By Mr. MOORE of Pennsylvania: Petition of Niagara Alkali Co., Niagara Falls, N. Y., against a tax on muriate of potash; to the Committee on Ways and Means.

Also, petition of Union of Orthodox Jewish Congregations of United States and Canada, against further restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of John T. Lewis & Bros. Co., of Philadelphia, approving amendment to the law as made by the Postmaster General in his report to the President relative to forwarding certain classes of mail matter; to the Committee on the Post Office and Post Roads.

Also, petition of Lumbermen's Exchange of Philadelphia, favoring building of a 1,700-foot dry-dock at the Philadelphia Navy Yard; to the Committee on Naval Affairs.

By Mr. MORSE: Petition of Antigo Division, No. 462, Order of Railway Conductors, favoring investigation of causes of tuberculosis, typhoid fever, and other diseases originating in dairy products; to the Committee on Agriculture.

Also, petition of Antigo Division, No. 462, Order of Railway Conductors, for repeal of the tax on oleomargarine; to the Committee on Agriculture.

By Mr. OLDFIELD: Paper to accompany bill for relief of Polk D. Southard; to the Committee on Invalid Pensions.

By Mr. RODENBERG: Petition of citizens of the twenty-second congressional district of Illinois, protesting against the establishment of a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. RUCKER of Colorado: Petition of W. H. Powell and others, indorsing House bill 27832; to the Committee on Pensions.

By Mr. SHEFFIELD: Petition of Representative Council, T. Fred Kaull and 86 others, John P. Sanborn and 5 others, and J. Anthon Barker and 26 others, of Newport; H. M. Ball and 48 others, of Block Island, all in the State of Rhode Island, favoring Senate bill 5677, a bill to promote efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of citizens of New York City, for Federal registration of automobiles (H. R. 5176); to the Committee on Interstate and Foreign Commerce.

Also, petition of memorial committee of the Grand Army of the Republic of the State of New York, favoring promotion of Gen. Daniel E. Sickles to the lieutenant generalcy; to the Committee on Military Affairs.

Also, petition of Retail Clerks' International Protective Association, against increase of hours of labor for Government clerks; to the Committee on Labor.

Also, petition of Luther H. Gulick, for an appropriation to the Bureau of Education to secure experts in various departments of education; to the Committee on Education.

By Mr. THISTLEWOOD: Petition of citizens of the twenty-fifth congressional district of Illinois, against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Illinois Teachers' Association, against extension of the benefits of the Morrill Act to the District of Columbia; to the Committee on Agriculture.

SENATE.

WEDNESDAY, *January 11, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 24145. An act for the establishment of marine schools, and for other purposes; and

H. R. 29346. An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 115. An act for the relief of Marcellus Troxell; and

S. 3904. An act for the relief of the Merritt & Chapman Derrick & Wrecking Co.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the Merchants' Association of Honolulu, Territory of Hawaii, remonstrating against the enactment of legislation requiring the irrigation and reclamation of public lands in that Territory, and also against the enactment of legislation granting to J. T. McCrosson, his associates and assigns, certain water rights on the military reservation at Wainae-Uka, island of Oahu, Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a memorial of the executive committee of the Republican Party of the Territory of Hawaii, remonstrating against the enactment of legislation to prohibit the sale of intoxicating liquors in that Territory, and also against the enactment of legislation granting to J. T. McCrosson, his associates and assigns, certain water rights on the military reservation at Wainae-Uka, island of Oahu, Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. SHIVELY presented petitions of the Indiana Historical Society, the Ohio Valley Historical Association, and the Mississippi Valley Association, praying that an appropriation be made for the preservation of the languages of the Indian tribes of the Ohio and Mississippi Valleys, which were referred to the Committee on Appropriations.

He also presented memorials of sundry citizens of River Park, Kyana, and Ferdinand, all in the State of Indiana, remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. BEVERIDGE. I present a petition from the Commercial Club of Fort Wayne, Ind., praying for the passage of Senate bill 4982, to establish a court of patent appeals. I ask that the petition be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the petition was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

To the Senators and Representatives of the United States in Congress assembled:

The Commercial Club of Fort Wayne, Ind., and the Manufacturers' Club of the same city present this memorial.

The Commercial Club is the representative of all the business interests of Fort Wayne, and the Manufacturers' Club represents the manufacturing interests in said city.

The city of Fort Wayne—the third city in the State in population—depends mainly upon its manufacturing industries, which include about a hundred establishments and nearly as many different branches of manufacture, whose products are sold in all parts of the Union.

The citizens having these interests in charge are deeply concerned in the passage of the pending bills (H. R. 14622 and S. 4982) to establish a United States court of patent appeals. Their business is vitally affected by the administration of the patent law, and the uncertainty and confusion, which inevitably result in that branch of jurisprudence from the divided final jurisdiction vested in the nine independent United States Circuit Courts of Appeals, is a serious loss and injury to them.

Wherefore your memorialists ask of Congress speedy consideration of said bill and its enactment as law.

Done in obedience to the directions of the Commercial Club of Fort Wayne and the Manufacturers' Club of Fort Wayne, met in joint session December 30, 1910.

COMMERCIAL CLUB OF FORT WAYNE,
By PERRY A. RANDALL, *President.*
MANUFACTURERS' CLUB OF FORT WAYNE,
By VAN B. PERRINE, *President.*

Mr. BURKETT presented a petition of Hayman Lodge, No. 1995, Modern Brotherhood of America, of Arapahoe, Nebr., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. DIXON presented memorials of sundry citizens of Garnet, Missoula, Grass Range, and Billings, all in the State of Montana, remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. SCOTT presented a petition of Local Branch No. 77, Glass Bottle Blowers' Association of the United States and Canada, of Fairmont, W. Va., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

Mr. FLINT presented a memorial of the Mercantile Co. of Long Beach, Cal., remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Printers' Board of Trade of Los Angeles, Cal., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

Mr. STEPHENSON presented a memorial of the Agricultural and Breeders' Association of Kiel, Wis., remonstrating against any appropriation for the support of agricultural colleges, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Central Labor Council of Ashland, Wis., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. ROOT presented a memorial of the Fifth Assembly District Republican Committee, of Brooklyn, N. Y., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented the memorial of Amy Townsend, vice regent of the Mount Vernon Ladies' Association from New York, remonstrating against the establishment of a criminal reformatory for the District of Columbia on what is known as the Belvoir or White House tract of land in Virginia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Board of Trade and Transportation of New York City, N. Y., praying that an appropriation be made providing for the adequate fortification of the Panama Canal, which was referred to the Committee on Interoceanic Canals.

Mr. ELKINS presented sundry affidavits in support of the bill (S. 4555) granting an increase of pension to James P. McClintock, which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 1499) granting a pension to Hiram S. Shahan, which were referred to the Committee on Pensions.

He also presented the petition of Fred A. Kendall, postmaster of Gazil, W. Va., and the petition of Joseph M. Hill, of Rasinoa, W. Va., praying for the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Sycamore Camp, No. 76, Woodmen of the World, of Enterprise, W. Va., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented the petition of Frank Trumbull, of New York City, N. Y., praying that New Orleans, La., be selected as the site for holding the proposed Panama Canal Exposition, which was referred to the Committee on Industrial Expositions.

Mr. BORAH presented a memorial of sundry business men of Hailey, Idaho, remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. PERKINS, from the Committee on Naval Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 8868. An act providing for a permanent resting place for the body of John Paul Jones (Rept. No. 955);

H. R. 5015. An act for the relief of Clarence Frederick Chapman, United States Navy (Rept. No. 956); and

S. 4239. An act to amend section 183 of the Revised Statutes (Rept. No. 957).

Mr. BURNHAM. I report back from the Committee on Claims a large number of bills, the subject matter of which has been covered in the omnibus claims bill, which has passed the Senate. I move that the bills be indefinitely postponed.

The bills were postponed indefinitely, as follows:

A bill (S. 4561) for the relief of Alexander P. Hart, heir of Joseph Hart, deceased;

A bill (S. 4586) for the relief of the heirs of Rear Admiral Henry Glass, United States Navy, retired;

A bill (S. 4803) for the relief of J. Howard Mitchell;

A bill (S. 5026) for the relief of Leonidas P. Hebert;

A bill (S. 5202) for the relief of the estate of Robert Kirkley, deceased;

A bill (S. 5279) for the relief of the estate of S. P. C. Henkel, deceased;

A bill (S. 5284) for the relief of the trustees of Smith Creek Baptist Church, of New Market, Shenandoah County, Va.;

A bill (S. 5333) for the relief of the estate of Jacob J. Foreman, deceased;

A bill (S. 5342) for the relief of George Ivers, of Boone, Pueblo County, Colo., administrator of William Ivers;

A bill (S. 5383) for the relief of Grace Protestant Episcopal Church, of Plymouth, N. C.;

A bill (S. 5384) for the relief of the Zion African Methodist Episcopal Church, of Beaufort, N. C.;

A bill (S. 5391) for the relief of estate of Riley Wetherington, deceased;

A bill (S. 5393) for the relief of the estate of Hardy H. Waters, deceased;

A bill (S. 5398) for the relief of the heirs at law of E. L. Shuford, deceased;

A bill (S. 5547) for the relief of the estate of Peter McEnery, deceased;

A bill (S. 5579) authorizing the Secretary of War and the Auditor for the War Department to consider and settle the claim of Col. John D. Hall, United States Army, retired, for personal property destroyed in the earthquake at San Francisco, Cal.;

A bill (S. 5597) carrying out the findings of the Court of Claims concerning the estate of John G. Halloway, deceased;

A bill (S. 5612) to carry into effect the findings of the Court of Claims for the relief of the Boiling Fork Baptist Church, of Cowan, Tenn.;

A bill (S. 5625) for the relief of David C. and Daniel W. Reece, heirs of Andrew Reece, deceased;

A bill (S. 5721) for the relief of the trustees of the Cumberland Presbyterian Church of Clarksville, Tenn.;

A bill (S. 5812) for the relief of the commissioners of the Judah Touro almshouse fund of New Orleans, La.;

A bill (S. 5969) for the relief of the legal heirs of Celestine Sarra, deceased;

A bill (S. 5999) for the relief of the estate of Oliver P. Boyd, deceased;

A bill (S. 6187) to carry out the findings of the Court of Claims in the cases herein enumerated;

A bill (S. 6385) for the relief of the heirs of W. T. Dixon;

A bill (S. 6803) for the relief of Mary E. Willett and others;

A bill (S. 7183) for the relief of the heirs or estate of James M. Alexander, deceased;

A bill (S. 7738) to appropriate the sum of $200 for Fenton T. Ross, of Loudoun County, Va., whose horse was permanently injured by employees of the Agricultural Department in making experiments authorized by law;

A bill (S. 8305) to reimburse Dr. M. K. Knauff;

A bill (S. 8332) for the relief of the estate of C. G. Hardeman, deceased;

A bill (S. 8352) for the relief of lock masters, lockmen, and other laborers and mechanics employed by the United States Government on the locks and dams of the Kanawha River in West Virginia;

A bill (S. 8494) for the relief of D. S. Barrus and others;

A bill (S. 8665) for the relief of John L. Martin, administrator of the estate of John B. Wright, deceased; and

A bill (S. 5914) for the relief of the estate of F. Z. Tucker, deceased.

Mr. BRADLEY, from the Committee on Claims, to which was referred the bill (H. R. 23081) for the relief of the family of Samuele Badolato, reported it without amendment and submitted a report (No. 958) thereon.

Mr. HEYBURN, from the Committee on Public Lands, to which was referred the bill (H. R. 15660) providing for second homestead and desert-land entries, reported it without amendment and submitted a report (No. 959) thereon.

Mr. BORAH, from the Committee on the Judiciary, to which the subject was referred, submitted a report (No. 961), accompanied by a joint resolution (S. J. Res. 134), proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States, which was read twice by its title.

Mr. CHAMBERLAIN, from the Committee on Public Lands, to which was referred the bill (S. 8282) to amend the act of May 22, 1902, establishing Crater Lake National Park, and for other purposes, reported it without amendment and submitted a report (No. 960) thereon.

EDWARD FORBES GREENE.

Mr. GALLINGER. I am directed by the Committee on Naval Affairs to report back favorably with an amendment the bill (S. 3494) for the relief of Edward Forbes Greene, and I submit a report (No. 962) thereon.

Mr. LODGE. I ask for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was to add at the end of the bill the following proviso:

Provided, That the said Edward Forbes Greene shall not by the passage of this act be entitled to back pay of any kind, including bounty or emoluments.

So as to make the bill read:

Be it enacted, etc., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Edward Forbes Greene, late lieutenant, a lieutenant in the United States Navy, and to place him upon the retired list as such with three-fourths the pay of his grade.

Provided, That the said Edward Forbes Greene shall not by the passage of this act be entitled to back pay of any kind, including bounty or emoluments.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLINT:

A bill (S. 10138) to set aside a portion of certain lands in the Territory of Arizona now known as the Grand Canyon National Monument and Coconino National Forest as a public park, to be known as the Grand Canyon National Park; to the Committee on Public Lands.

By Mr. SCOTT:

A bill (S. 10139) for the relief of the heirs of David Tuckwiller, deceased (with accompanying paper); to the Committee on Claims.

A bill (S. 10140) granting an increase of pension to Helen J. K. Dean (with accompanying paper); to the Committee on Pensions.

By Mr. ROOT:

A bill (S. 10141) to carry into effect the findings of the Court of Claims in the claim of Elizabeth B. Eddy; to the Committee on Claims.

By Mr. SHIVELY:

A bill (S. 10142) granting a pension to Essie Pursel;

A bill (S. 10143) granting an increase of pension to John T. Campbell; and

A bill (S. 10144) granting an increase of pension to William H. Doty; to the Committee on Pensions.

A bill (S. 10145) for the relief of John Teeple (with accompanying paper); and

A bill (S. 10146) for the relief of John Vankirk; to the Committee on Military Affairs.

By Mr. STEPHENSON:

A bill (S. 10147) granting an increase of pension to Mark Smith; and

A bill (S. 10148) granting an increase of pension to Robert Murray (with accompanying papers); to the Committee on Pensions.

By Mr. McCUMBER (by request):

A bill (S. 10149) conferring jurisdiction on the Court of Claims to hear and determine the claims of Choctaw and Chickasaw Indians; to the Committee on Indian Affairs.

By Mr. CLARK of Wyoming:

A bill (S. 10150) granting an increase of pension to Andrew Schoonmaker; to the Committee on Pensions.

By Mr. WARNER:

A bill (S. 10151) to remove the charge of desertion from the military record of George B. Slocum; and

A bill (S. 10152) to remove the charge of desertion from the military record of Joseph L. Fletcher (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 10153) for the relief of the heirs of James H. Williams, deceased; and

A bill (S. 10154) for the relief of the heirs of J. W. Porter, deceased; to the Committee on Claims.

A bill (S. 10155) granting an increase of pension to Stephen Martin (with accompanying papers);

A bill (S. 10156) granting a pension to Elizabeth Oeth (with accompanying papers);

A bill (S. 10157) granting an increase of pension to William J. Hutchinson;

A bill (S. 10158) granting an increase of pension to E. Leora Norris;

A bill (S. 10159) granting an increase of pension to William N. Lee; and

A bill (S. 10160) granting an increase of pension to George Frenzel (with accompanying papers); to the Committee on Pensions.

By Mr. PILES:

A bill (S. 10161) granting an increase of pension to Lyman C. Brown (with accompanying paper); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 10162) for the relief of Mira Crumley (with accompanying paper); to the Committee on Claims.

By Mr. ELKINS:

A bill (S. 10163) granting an increase of pension to Jasper England (with accompanying paper); to the Committee on Pensions.

By Mr. BRADLEY (by request):

A bill (S. 10164) providing for the discontinuance of the grade of post noncommissioned officer and creating the grade of warrant officer in lieu thereof; to the Committee on Military Affairs.

By Mr. CARTER:

A bill (S. 10165) to authorize the Secretary of the Interior to prescribe the manner of entry on public lands in reclamation projects and to require deposit of an advance payment with the application; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. HALE:

A bill (S. 10166) granting an increase of pension to Henry F. Tilton (with accompanying papers); to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 10167) granting an increase of pension to Lyda S. Armstrong (with accompanying papers); to the Committee on Pensions.

By Mr. FOSTER:

A bill (S. 10168) providing for an increase of salary for the United States district attorney for the eastern district of Louisiana; to the Committee on the Judiciary.

A bill (S. 10169) for the relief of the heirs of Etienne Chappuis, deceased; to the Committee on Claims.

A bill (S. 10170) granting an increase of pension to Lucy W. Carter; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PENROSE submitted an amendment proposing to appropriate $5,000 for the further study and examination into the nature and habits of the chestnut tree bark disease, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. BRADLEY submitted an amendment proposing to appropriate $50,000 for continuing the improvement of Levisa Fork, Big Sandy River, Ky., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. BURNHAM, it was

Ordered, That there be withdrawn from the files of the Senate the papers accompanying S. 7183, Sixty-first Congress, a bill for the relief of the heirs or estate of James M. Alexander, deceased, no adverse report having been made thereon.

LOTTIE W. DUNN.

Mr. BRIGGS submitted the following resolution (S. Res. 317), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Lottie W. Dunn, widow of William B. Dunn, late a member of the Capitol Police force, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

HOUSE BILLS REFERRED.

The following bills of the House of Representatives were severally read twice by their titles and referred as follows:

H. R. 24145. An act for the establishment of marine schools, and for other purposes, was read twice by its title and referred to the Committee on Naval Affairs; and

H. R. 29346. An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, was read twice by its title and referred to the Committee on Pensions.

SENATOR FROM ILLINOIS.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from yesterday.

The Secretary read the resolution (S. Res. 316) submitted by Mr. OWEN on the 9th instant, as follows:

Resolved, That the so-called election of WILLIAM LORIMER on May 26, 1909, by the legislature of the State of Illinois was illegal and void, and that he is not entitled to a seat in the United States Senate.

The VICE PRESIDENT. If there is no other disposition, the resolution will be referred to the Committee on Privileges and Elections. Is there other morning business? [A pause.] The morning business is closed.

RULE REGARDING TARIFF LEGISLATION.

Mr. NEWLANDS. Mr. President, the message of the President urging a permanent tariff commission and revision of the tariff by limiting amendment to the schedules involved, the resolution regarding schedule amendment offered by the Senator from Iowa, the debate upon this resolution by the progressive Senators from Iowa and Indiana and by the conservative Senators from Massachusetts and Rhode Island indicate clearly that both wings of the Republican Party now realize that the country is dissatisfied with the Payne-Aldrich bill and with the methods hitherto pursued by Congress in tariff revision, and that a reform is demanded which will secure the service of a permanent independent commission in the investigation of facts relating to the tariff and which will insure decisive action upon such facts by Congress, without all the disturbing conditions of general tariff revision.

It may be conceded, therefore, that at this session of Congress a permanent tariff commission of independent experts will be provided for, with full power to investigate the facts. Whether they will be given the power of recommendation or the power of condemnation under a rule fixed by Congress remains to be seen. It is also clear that there is a disposition to confine the power of amendment to the particular schedule or subject under consideration, without, however, interfering with the right of a Member to introduce or of the Congress to consider a bill for general revision.

THE RULE LIMITING AMENDMENT.

It is true that the Senators who have thus far discussed this subject do not quite agree as to how the power of amendment should be limited—the Senator from Iowa insisting that there should be a joint resolution binding upon both Houses; the Senator from Massachusetts that there should be a rule of each House; and the Senator from Rhode Island that it is a waste of time trying to establish artificial rules for the government of future Congresses, and that the only method is through the concurrence and assent, as the occasion arises, of the majority of each of the two Houses.

It is apparent, therefore, that there will be as much difference of opinion and discussion regarding the adoption of a rule as there will be upon the tariff itself. It will be particularly difficult in the Senate, because here both parties have scrupulously preserved freedom of debate and procedure and restrictions of this kind are contrary to its traditions.

In the House of Representatives such restrictions have been imposed by both parties, both by general and special rules; but unless the Democratic Party assents to this method of procedure it is probable that the favorable action of the present Republican House will be reversed by the next Democratic House, and thus no progress will have been made.

The conditions thus far developed indicate how difficult it will be to establish a method of procedure, without which the creation of a tariff commission will be practically without benefit; for if every recommendation of the tariff commission is to precipitate a general revision of the tariff, it is clear that the business of the country will be in a condition of perpetual uncertainty and unrest. There will be war similar to that which existed whilst the late tariff revision was going on; there will be the same war of section and of interest, and the same objectionable methods of trading and compromise; the tariff commission will be of no service unless it can from time to time make its findings of fact and its recommendations based upon them; and if it does so, and the whole question of tariff amendment and revision is thrown open, the country will be in a perpetual ferment.

A DEMOCRATIC HOUSE.

The condition will be peculiarly aggravated when the next House comes into session as the result of division of responsibility, the House being Democratic and the Senate Republican. There will be the usual partisan jockeying for the next presidential race. If the Republicans at the present session of Congress press the organization of a permanent tariff board and schedule revision, and such a measure is defeated by Democratic opposition, it will be incumbent upon the Democrats at the next session either to frame a tariff-commission bill upon its own lines or to frame a tariff bill upon which, if defeated in the Senate, it will go to the country. In such a contest I believe the Republican Party will have the advantage, for the stand of that party for a permanent tariff commission and schedule revision will largely reconcile the dissatisfied element, whilst the Democratic Party will have to go before the country upon an untried measure, against which every form of insidious attack will be made.

If, on the other hand, the Republican Party should pass a tariff-commission bill at the present session without providing for schedule revision, we will then have, when the reports and recommendations of the commission are made, all the disturbance and unrest created by a general tariff revision, resulting in an unscientific adjustment unsatisfactory to the country and keeping it in a condition of perpetual unrest.

THE EXISTING DEPRESSION.

The present disturbance of the country is due to uncertainties regarding the tariff and the three branches of interstate commerce, namely, transportation, or the railroad question; trade, or the trust question; and exchange, or the banking question. Of these the transportation question is the nearest to satisfactory adjustment through the organization of a bipartisan commission, quasi judicial in character, vested with ample powers and acting decisively under rules fixed by Congress. Congress has the power, if it chooses, to fix all interstate railroad rates. Realizing its incompetency to do this without expert aid, it turned over the work to the railroad commission, prescribing the rules for its action.

When the first interstate-commerce act was passed, over 23 years ago, it was exceedingly guarded in its powers. Since that time we have, upon the recommendation of the commission itself and as the outgrowth of its experience, enlarged those powers, and, although every stage in legislation was vigorously fought by the railroads, their managers now all declare that they regard the railroad commission as an instrumentality for good which they would not to-day willingly destroy. Through a gradual process of evolution, railway regulation has grown into a science.

Is it not possible to make tariff regulation a science by providing for a tariff commission with powers similar to those enjoyed by the railroad commission, taking the present tariff as the basis of action, just as Congress took the existing railroad rates as the basis of the railroad commission's action, and then giving the tariff commission the power, after hearings initiated by the complaints of shippers or by the commission itself, to condemn a rate of duty as unreasonably high and to substitute a reasonable duty therefor, pursuant to the rule prescribed by Congress, giving to such tariff commission also full powers of examination, investigation of costs of production at home and abroad, and recommendation to Congress regarding free and dutiable lists? The rule would be that fixed by the party in power—the Republican Party during the present session of Congress and the Democratic Party, it is to be hoped, after the election of 1912. The rule fixed by the Republican Party at this session would probably be that any existing duty in excess of the difference in the cost of production at home and abroad, with a fair profit to the manufacturer added, should be reduced to such standard. This would involve the ascertainment by experts of the facts, and the application of the rule fixed by Congress to the facts without further legislation.

GRADUAL REDUCTION.

If it is thought desirable to gradually bring about the reduction of excessive duties under the standard fixed by Congress, the law can provide for the reduction in installments extending over a period of years, greater or less. If it is feared that some reduction may be improvidently made and that it will invite a flood of importations, to the serious injury of existing American industries, a safety brake can be provided by directing the President, whenever the importations under a reduced duty increase over a certain percentage, to stay the reduction and report the same to Congress for its action. In this way we will not only have the ascertainment of facts and recommendations thereon by a competent board, but we will also have, without further congressional action involving a renewal of the entire tariff agitation, a process of gradual reduction of duties which, judged by the standard or rule declared by Congress, are found to be excessively high.

Congress, by the creation of a tariff commission with such powers, will not abdicate its own powers regarding customs duties. It can at any time, if it chooses, either with or without the aid of the commission, write a new tariff or revise the existing one, just as Congress can to-day, if it chooses, make a schedule of interstate railroad rates for the entire country.

THE RAILROAD-COMMISSION BILL A MODEL.

The railroad-commission bill furnishes a model for the action of Congress upon matters involving minute and scientific investigation. Had we followed the same method regarding trusts that we followed regarding railroads, we would have made much better progress in trust regulation. The antitrust act was passed 21 years ago, about the same time that the railroad commission was organized. The railroad question is practically settled; the settlement of the trust question has hardly been commenced. Had we submitted the administration of the antitrust act to an impartial quasi-judicial tribunal similar to the Interstate Commerce Commission, instead of to the Attorney

General's office, with its shifting officials, its varying policies, its lack of tradition, record, and precedent, we would by this time have made gratifying progress in the regulation and control of trusts, through the quasi-judicial investigations of a competent commission and through legislation based upon its recommendations. As it is, with the evasive and shifting incumbency and administration of the Attorney General's office, oftentimes purely political in character, we find that the trusts are more powerful to-day than when the antitrust act was passed, and that evils have grown up so interwoven with the general business of the country as to make men tremble at the consequence of their disruption.

I am aware that there is an unwillingness upon the part of Congress to create commissions. This unwillingness arises from the false assumption that the creation of a commission means the delegation of legislative power. No assumption could be more erroneous. Such commissions act as the servants of Congress and are its efficient instrumentalities for carrying out its powers.

I will not dwell upon the rule or standard which Democrats should prescribe for the direction of a tariff commission. Such a rule can be drawn after full counseling among Democrats and can be presented as a substitute for the rule or standard favored by the Republican Party, so that Democrats will not be put in the position of voting for the Republican Party rule or standard. When the Democratic Party is in full power, it can then frame a rule which will provide, as its last platform declared, for a gradual and progressive reduction in excessive duties to a revenue basis, without producing serious business readjustments.

Mr. CUMMINS. Mr. President, the joint resolution upon which the Senator from Nevada [Mr. NEWLANDS] has just spoken has been before the Senate upon a motion to refer to the Committee on Rules for nearly a month. I desire to give notice that one week from to-day, at the close of the morning business, I will submit to the Senate a reply to such objections as have already been made against the proposed rule and to such as shall be made during the meanwhile, and will then ask the Senate to refer the joint resolution to the Committee on Rules.

Mr. HEYBURN. Mr. President, I desire to give notice to the Senate, and also to the Senator from Iowa, that when he submits his reply to the suggestions that have been made in regard to that joint resolution, as soon as is convenient thereafter I will submit to the Senate a reply to the reply which shall be submitted by the Senator from Iowa.

Mr. SMOOT. Mr. President, I also desire to say to the Senator from Iowa that there are a number of Senators who wish to speak upon this joint resolution, and I hardly think that they will be prepared to do so within the time named by the Senator from Iowa.

Mr. CUMMINS. Mr. President, I, of course, have no power over either the Senator from Idaho [Mr. HEYBURN] or the Senator from Utah [Mr. SMOOT], but it is somewhat extraordinary that a joint resolution of this character, which has been before the Senate for a month, and there having been abundant opportunity for every Senator to speak his mind about it, can not at least be referred to the appropriate committee. I hope that these Senators and all Senators who have anything to say about the joint resolution will find it convenient to say it between now and the time I have mentioned, because I think that the Senator from Idaho and the Senator from Utah will recognize the propriety, if not the right, of the author of the joint resolution closing the debate upon it.

I have said everything that I desire to say upon it until I shall have heard from those who are opposed to it. Without even suggesting what course they ought to pursue, I know that they will recognize the fitness of the course that I have just proposed. I hope that these Senators will allow the joint resolution to go to the committee, for when it comes from the committee—that may be soon or otherwise—there will be another opportunity before the Senate acts upon it for such observations as any Senator may desire to make. I hope they will not pursue an obstructive course in order to prevent the joint resolution from being considered by the committee.

Mr. SMOOT. Mr. President, I will say to the Senator from Iowa that I have no intention whatever of obstructing the reference of the joint resolution to the committee, but I do know of a number of Senators who have said that they wished to speak upon this subject; and I take issue with the Senator in stating that they have had ample opportunity to do so, because nearly every day that the Senate has been in session there has been some special question before the Senate, and it has generally been asked by a Senator that that particular subject be considered. I know that there are several Senators who are prepared to speak, but up to the present time they have had no chance whatever to do so, and I doubt very much whether the Senators who have intimated to me that they desire to speak upon this joint resolution can do so within the time fixed by the Senator, when he will ask that the joint resolution shall be referred to the committee; but if he will extend the time I shall not object in any way.

Mr. HALE. Mr. President, I should like the Senate to bear in mind that there are important measures of general legislation which ought to be taken up very soon. There are two appropriation bills already before the Senate, having passed the House, and I think the Senator from Minnesota [Mr. CLAPP], in charge of the Indian bill, is ready and desirous of taking it up and having the Senate consider it, and to amend and pass it and send it back to the House in the general dispatch of the necessary public business. I hope Senators who desire to speak upon the joint resolution of the Senator from Iowa [Mr. CUMMINS] will bear this in mind, and as soon as possible free the Senate from its present consideration.

The proposition of the Senator from Iowa, who submitted the joint resolution, to send it to the Committee on Rules is not a very dangerous process. It does not involve any very serious immediate mischief, and I think the Senator is entirely right in asking that as soon as possible the Senate will allow the joint resolution, which possibly is dangerous here and can not be any more dangerous with the committee, to be sent to that committee.

I make these observations because I sympathize with the Senator from Iowa that he ought to get his joint resolution as soon as possible to the Committee on Rules. I hope this week the Senate will pass, with whatever amendments it *may* put on it, the Indian appropriation bill. We have only 27 or 28 days for all the appropriation bills, involving a billion dollars or more. And the more we do in that way now within the next two or three weeks the less we will be crowded and jammed up in a rather unseemly fashion the last 10 days of the session. So I sympathize with the Senator in his desire to get the joint resolution to the Committee on Rules.

Mr. HEYBURN. Mr. President, had the Senator from Iowa [Mr. CUMMINS] presented the joint resolution and asked for its reference at that time, I think no one would have been inclined to discuss it. But the Senator, for reasons doubtless appealing to him, introduced the joint resolution and accompanied it by remarks that seemed to some of us might possibly create a wrong impression in the public mind. In other words, the joint resolution goes before the Senate and to the committee of the Senate, and the record of the proceeding contains the speech of the Senator from Iowa, which, of course, was all in justification of the joint resolution.

Now, it seldom occurs that when a resolution is introduced the party introducing it undertakes to close the argument in regard to it. I think that the joint resolution going to the country accompanied only by the speech of the Senator from Iowa might leave an impression upon the minds of some of the public—and perhaps a large portion of it—that there was no reply to the reasoning of the Senator from Iowa in regard to the principle embodied in his joint resolution.

Those of us who are strongly opposed to such legislation desire, so far as we may under the rules, that an answer shall go to the public when the joint resolution goes to the committee, because, if I may indulge in prophecy—it has only my own responsibility behind it—the joint resolution, when it goes to the committee, will perhaps not again entertain the Senate during this Congress, and then it would always stand as a monument, the base of which would be the joint resolution, the towering shaft of which would be the remarks of the Senator from Iowa. I think the monument that will be erected over the joint resolution should consist of the views of those who are opposed to it.

THE CALENDAR—MEASURES PASSED OVER.

The VICE PRESIDENT. The calendar, under Rule VIII, is in order.

The bill (S. 3528) to reimburse depositors of the Freedman's Savings & Trust Co. was announced as the first business in order on the calendar, and the Secretary proceeded to read the bill.

Mr. BRISTOW. Let the bill go over, Mr. President.

The VICE PRESIDENT. On the request of the Senator from Kansas the bill goes over.

The bill (S. 1130) for preventing the manufacture, sale, or transportation of adulterated or misbranded paint, turpentine, or linseed oil was announced as the next business on the calendar, and the Secretary proceeded to read the bill.

Mr. BACON. I ask that the bill go over.

Mr. HEYBURN. The bill is now under Rule VIII. I ask that it go under Rule IX. It could not be discussed under the five-minute rule.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the bill goes to the calendar under Rule IX.

Senate concurrent resolution 16, authorizing the Secretary of War to return to the State of Louisiana the original ordinance of secession that was adopted by the people of said State in convention assembled, etc., was announced as the next business on the calendar.

Mr. HEYBURN. Let it go over.

The VICE PRESIDENT. The concurrent resolution goes over, on the request of the Senator from Idaho.

The bill (S. 574) to authorize J. W. Vance, L. L. Allen, C. F. Helwig, and H. V. Worley, of Pierce City, Mo.; A. B. Durnil, D. H. Kemp, Sig Soloman, J. J. Davis, S. A. Chappell, and W. M. West, of Monett, Mo.; M. L. Coleman, M. T. Davis, Jared R. Woodfill, jr., J. H. Jarrett, and William H. Standish, of Aurora, Lawrence County, Mo., and L. S. Meyer, F. S. Heffernan, Robert A. Moore, William H. Johnson, J. P. McCammon, M. W. Colbaugh, and W. H. Schreiber, of Springfield, Greene County, Mo., to construct a dam across the James River in Stone County, Mo., and to divert a portion of its waters through a tunnel into the said river again to create electric power, was announced as the next business on the calendar.

Mr. BURTON. I ask that the bill go over.

The VICE PRESIDENT. The bill goes over, on the request of the Senator *from* Ohio.

The bill (S. 6454) providing for the settlement of the claims of the Shawnee and Delaware Indians was announced as the next business in order; and the Secretary read the bill.

Mr. HEYBURN. I think I will ask that the bill go over. I will ask the Secretary to read the provision with reference to rendering judgment.

The Secretary read as follows:

And render judgment therefor against the United States in favor of such individual Indian.

Mr. HEYBURN. Yes; I ask that the bill go over.

The VICE PRESIDENT. The bill goes over, upon the request of the Senator from Idaho.

The bill (S. 7364) providing for the equalization of Creek allotments was announced as the next business on the calendar.

Mr. HEYBURN. I ask that the bill go over.

The VICE PRESIDENT. The bill will go over.

STATE LANDS WITHIN NATIONAL FORESTS.

The bill (H. R. 10584) providing for the adjustment of the claims of the States and Territories to lands within national forests was announced as the next business on the calendar; and the Secretary proceeded to read the bill.

Mr. HEYBURN. I ask that it go over.

Mr. JONES. I desire to move that the Senate proceed to the consideration of the bill, notwithstanding the objection of the Senator from Idaho.

The VICE PRESIDENT. The Senator from Washington moves that the Senate proceed to the consideration of the bill, the objection of the Senator from Idaho to the contrary notwithstanding. [Putting the question.] The noes appear to have it.

Mr. HEYBURN. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. JONES. I ask for a division.

The VICE PRESIDENT. The Chair thinks that after the yeas and nays have been refused it is too late to ask for a division.

Mr. JONES. I will state to the Chair that I was on my feet——

The VICE PRESIDENT. If there be no objection, the Chair will put the question on a division.

Mr. HEYBURN. I object.

The VICE PRESIDENT. The bill will go over.

BILLS PASSED OVER.

The bill (S. 8083) to provide for the handling of mail on which insufficient postage is prepaid, and for other purposes, was announced as the next business in order.

Mr. BRISTOW. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 8084) to provide mail receptacles at residences and places of business, and for other purposes, was announced as the next business in order on the calendar.

Mr. HEYBURN. I ask that the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 7180) authorizing the Secretary of War to return to the governor of Louisiana certain bonds of the State of Louisiana and city of New Orleans was announced as the next business in order on the calendar.

Mr. HEYBURN. I ask that the bill go over.

The VICE PRESIDENT. The bill will go over.

MORTON INSTITUTION OF AGRICULTURE AND FORESTRY.

The bill (S. 7902) to promote the science and practice of forestry by the establishment of the Morton Institution of Agriculture and Forestry as a memorial to the late J. Sterling Morton, former Secretary of Agriculture, was announced as the next business in order on the calendar; and the Secretary proceeded to read the bill.

Mr. HEYBURN. I ask that the bill go over.

Mr. BURKETT. I hope the Senator will let us consider the bill. I should like to have it read, at least. It is an important matter. I do not want to move to take up the bill to-day if the Senate does not really want to consider it at this time.

Mr. HEYBURN. I will not insist upon my objection——

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho withhold his objection until the bill can be read?

Mr. SMOOT. I object to considering the bill now because I know there are a number of Senators who are interested in the bill who are not present at this time.

The VICE PRESIDENT. Does the Senator from Idaho object to the reading of the bill?

Mr. HEYBURN. I do not think we will gain anything by that.

Mr. BURKETT. Not if we are not going to consider the bill now. I thought possibly if the bill could be read the objection to its consideration might be withdrawn.

Mr. SMOOT. Not to-day.

Mr. BURKETT. The next time we get on the calendar I hope the Senator will not have any objection.

The VICE PRESIDENT. The bill will go over.

NAVAL OR MARINE CORPS RETIREMENTS.

The bill (S. 7765) providing for the retirement of petty officers and enlisted men of the United States Navy or Marine Corps, and for the efficiency of the enlisted personnel, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 6823) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Pawnee Tribe of Indians against the United States was announced as the next business in order on the calendar.

Mr. SMOOT. Let the bill go over, Mr. President.

The VICE PRESIDENT. The bill will go over.

The bill (S. 7648) to correct the military record of Charles J. Smith was announced as the next business in order on the calendar.

Mr. JOHNSTON. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 3719) for the appointment of a national commission for the conservation of natural resources, and defining its duties, was announced as the next business in order on the calendar.

Mr. HEYBURN. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 6991) to authorize the compilation of the military and naval records of the Revolutionary War, with a view to their publication, was announced as the next business in order on the calendar.

Mr. JOHNSTON. Let the bill go over, Mr. President.

The VICE PRESIDENT. The bill will go over.

PEREMPTORY CHALLENGES OF JURORS.

The bill (S. 7102) to amend section 819 of the Revised Statutes of the United States, relating to peremptory challenges of jurors, was considered as in Committee of the Whole.

The Secretary read the bill, which had been reported from the Committee on the Judiciary with amendments.

Mr. HEYBURN. I should like to have the chairman of the committee or some member of the committee explain just what change is contemplated by this amendment of the law.

Mr. BORAH. There is a report accompanying the bill.

Mr. HEYBURN. I have just read the report. It does not seem to make it plain as to just what the change is.

The PRESIDING OFFICER (Mr. STONE in the chair). Does the Senator from Idaho ask that the report be read?

Mr. BORAH. I should like to have the report read.

The PRESIDING OFFICER. The Secretary will read the report.

The Secretary read the report submitted by Mr. CLARK of Wyoming June 10, 1909, as follows:

The Committee on the Judiciary, to whom was referred the bill (S. 7102) to amend section 819 of the Revised Statutes of the United States, relating to peremptory challenges of jurors, have had the same under consideration and report it back with amendments.

Page 1, line 7, of the bill, strike out the words "and the United States."

Same page, line 8, strike out the word "each," and after the word "twenty" insert "and the United States to six."

Same page, lines 9 and 10, strike out (beginning on line 9) the words "or crime which is or may be punishable by imprisonment at hard labor."

Same page, line 10, strike out the words "and the."

Same page, line 11, strike out the words "United States" and the word "each"; and after the word "ten" insert the words "and the United States to six."

Same page strike out the word "or" and in lieu thereof insert "and."

Page 2 strike out all of lines 4, 5, and 6; and on line 7 strike out the words "under this section."

The provision of existing law which prescribes the number of challenges to be allowed in the trial of cases in the United States courts is section 819 of the Revised Statutes, which reads as follows:

"SEC. 819. When the offense charged is treason or a capital offense, the defendant shall be entitled to 20 and the United States to 5 peremptory challenges. On the trial of any other felony the defendant shall be entitled to 10 and the United States to 3 peremptory challenges; and in all other cases, civil and criminal, each party shall be entitled to three peremptory challenges; and in all other cases where there are several defendants or several plaintiffs, the parties on each side shall be deemed a single party for the purposes of all challenges under this section. All challenges, whether to the array or panel, or to individual jurors for cause or favor, shall be tried by the court without the aid of triers."

The pending bill, when amended as recommended by your committee, will read as follows:

"A bill to amend section 819 of the Revised Statutes of the United States, relating to peremptory challenges of jurors.

"*Be it enacted, etc.*, That section 819 of the Revised Statutes of the United States be so amended as to read as follows:

"SEC. 819. When the offense charged is treason or a capital offense, the defendant shall be entitled to 20 and the United States to 6 peremptory challenges. On the trial of any other felony the defendant shall be entitled to 10 and the United States to 6 peremptory challenges; and in all other cases, civil and criminal, each party shall be entitled to three peremptory challenges; and in all cases where there are several defendants or several plaintiffs the parties on each side shall be deemed a single party for the purposes of all challenges under this section. All challenges, whether to the array or panel, or to the individual jurors for cause or favor, shall be tried by the court without the aid of triers."

The proposed change in the law with regard to the number of peremptory challenges to be allowed is rendered necessary for the following reasons:

Under the criminal statutes, as they existed prior to 1909, many offenses that were not felonies were, by statute, punishable by imprisonment for a term exceeding one year. Certain violations of the national banking laws, for example, and of the revenue laws, were so punishable, though merely misdemeanors.

By the new criminal code, being "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, the words "felony" and "misdemeanor" are more strictly limited and defined than theretofore. Section 335 of that act reads as follows:

"All offenses which may be punishable by death or imprisonment for a term exceeding one year shall be deemed felonies. All other offenses shall be deemed misdemeanors."

It is obvious that some offenses which, prior to the enactment of this provision would be classed and treated as misdemeanors, would, after the enactment, be treated as felonies. An offense formerly a misdemeanor and punishable by imprisonment for a term exceeding a year is no longer a misdemeanor, but a felony.

In these circumstances it becomes important, in the interests of justice, to readjust the proportion of challenges which shall be allowed to the prosecution and defense, respectively. By the bill as amended the number of challenges allowed to the defendant is not diminished, but the number allowed to the Government is somewhat increased.

The number of challenges allowed under existing law and the number that will be allowed if the amendment becomes law may be observed by the following tabulated arrangement:

Number of challenges.

ALLOWED UP TO THE PRESENT TIME UNDER SECTION 819, REVISED STATUTES.

	To the defendant.	To the Government.
On a charge of treason or a capital offense	20	5
On a charge of any other felony	10	3
In all other cases, civil and criminal	3	3

TO BE ALLOWED IF THE PROPOSED AMENDMENT BE ENACTED.

On a charge of treason or a capital offense	20	6
On a charge of any other felony	10	6
In all other cases, civil and criminal	3	3

Your committee recommend that the bill as amended do pass.

Mr. BORAH. My colleague will observe from the reading of the report that the bill has for its object and purpose the changing of the peremptory challenges upon the part of the Government. Under the old law when the offense charged was treason or a capital offense the defendant was entitled to 20 and the United States to 5 peremptory challenges. Under the new law the defendant is entitled to 20 and the United States to 6 peremptory challenges. On the trial of any other felony the defendant under the law as proposed is entitled to 10 and the United States to 6. Formerly it was 10 and 3, if I remember correctly.

Those are the changes which the measure contemplates. It was quite thoroughly considered by the committee and is urged by the Department of Justice.

I believe that explains the question asked by my colleague.

Mr. HEYBURN. Mr. President, it occurred to me that a long-established rule was being changed, and when it refers to the practice in the United States courts or to the rights of a party charged with an offense it is one that should not be passed perfunctorily. The Government is seeking a larger advantage in criminal prosecutions than it now possesses. I am in favor of the Government having all the power necessary to the enforcement of its laws or the punishment of those who violate its laws. I would not utter a word or cast a vote that would, in my judgment, tend to prevent the Government from enforcing its laws. But there should be some affirmative reason, and one that would appeal without argument to one considering it, why the Government's right in the way of peremptory challenges in criminal trials should be increased. Has the experience of the Government in any case demonstrated the necessity for such a change? If so, then the Senate should be advised of that fact.

Mr. BORAH. The Senate is advised of it in the fact that the Judiciary Committee investigated the matter and came to the conclusion that there was reason for the change.

Mr. HEYBURN. I have the greatest regard for the Judiciary Committee and for its opinion and the ability of its members to consider and determine such questions. But the jurisdiction of that committee has ceased, and the measure is now before a larger committee that has the ultimate responsibility. I seldom question anything that comes from the Judiciary Committee of this body because of the confidence I have not only in its ability but its intention to do only that which is necessary.

Mr. BORAH rose.

Mr. HEYBURN. Does my colleague desire to interrupt me?

Mr. BORAH. I thought my colleague had finished. I want to say a word.

Mr. HEYBURN. I would be glad to be interrupted.

Mr. BORAH. The necessity for this change, it seems to me, is apparent upon the face of the old law as compared with the proposed law. If we recur to the section as it stands now we find that where the offense charged is treason or a capital offense the defendant is entitled to 20 and the United States to 5 peremptory challenges. That, upon the face of it, gives an advantage in the selecting of jurors to the defendant that is wholly disproportionate to any right of the defendant.

Mr. CURTIS. Mr. President——

Mr. BORAH. I yield to the Senator from Kansas.

The PRESIDING OFFICER. Does the senior Senator from Idaho yield to the Senator from Kansas?

Mr. HEYBURN. Yes; I yield.

Mr. CURTIS. I wish to state that in many of the States, in felony cases, the prosecution is given one-half of the peremptory challenges that are given the defendant.

Mr. HEYBURN. I am aware of that.

Mr. BORAH. Furthermore, my colleague will observe that on the trial of any other felony the defendant is entitled to 10 and the United States to 3 under the present law. It does not seem that the challenges in the securing of an impartial jury should be so much to the advantage of the defendant, because, when we take into consideration all the facts in these trials in the present condition of affairs, the Government has almost as great trouble in securing an impartial jury as the defendant has. Certainly the Government is entitled to a fair and equal opportunity in the securing of an impartial jury.

As the law stands the defendant has this advantage, that in capital offenses he has 20, while the Government has 6, and in felony 10, while the Government has 6. My colleague will recall that in our State, if I remember correctly, it is 5 and 10.

Of course there is no reason for the change other than that which appears on the face of the act itself. It has for its object and purpose the equalizing of the Government with the defendant in the securing of a fair and impartial jury to some extent. It is too much at this time, as it is applied, to the advantage of the defendant.

Mr. HEYBURN. Mr. President, I take it that the suggestion from the department is the result of their experience in being

able to convict men of crime. If Senators will refer to the consideration of this question by Congress when it was originally fixed, they will find that there was another element which entered into it. A man stands by the great Government of the United States charged with an offense. Perhaps he is a stranger to that part of the Government in which he is being tried. He has little acquaintance with or knowledge of the people from whom the jury is to be selected. The Government has had charge of the case and of the summoning of the jury. It is the charging party and the trying party.

Now, every man is presumed to be a part of and interested in public affairs, so that the occasion for the Government to challenge the men it has selected to perform the duty that devolves upon it of inquiring into the guilt or innocence of a man ought not to require that the Government should exercise a greater right of challenge, because, as I said, the preponderating influence and the preponderating power is with the Government, while the party charged stands alone with the whole Government of the United States arrayed against him.

We have considered this question in committee, in other committees, and it has been very fairly considered and discussed on many occasions. The fact that the rule differs in States is not a sound argument in determining the question in the United States courts. A man is tried in a State in the midst of a local environment, where he has friends, presumably, and where he is just as apt to have friends in the jury as the Government is, or nearly so. But the rule in regard to the juries of the United States courts was fixed upon the principle that the Government had such a preponderating power against him that he should be given any opportunity to purge the tribunal that is to try him of any possible bias or prejudice or unfitness to perform that duty.

The Government is not anxious, nor does it desire, to be in a position to boast of the percentage of convictions that it obtains upon the trial of those charged with offenses. I think, inasmuch as the party upon trial is himself a part of the Government and unfortunately situated in that he is charged with a crime and must defend himself, he should be given the preponderance of right in the selection of the jurors. It has worked well. It may be that the Government has failed in some of its efforts to convict men of crime, and it possibly is true that the failure was justified by the facts.

Five years ago the Government in the city of Washington indicted a prominent citizen of the United States who had served the people of his State and the people of all the country in the performance of the duties of a high office. A few days ago the Government dismissed the prosecutions against him and left him a wreck on the shore, left him a wreck financially and physically. After five years of prosecution by the great Government of the United States, they stepped out from behind their responsibility without the grace of saying to the great public, "This man can not be convicted, because he is not guilty." Such cases as that appeal to men who are charged with the responsibility of the enactment of laws that shall regulate the relations between the Government and those whom it would charge and try for crime.

My sympathies are not with those who violate the laws. I would not add anything to the law that would enable a man to violate it and be acquitted, but I would not change a law that had the respectability of long experience as its guaranty for wisdom.

I do not know, but I suppose this started in the department, and doubtless that portion of the department that has charge of the trial of criminal offenses. I remember once declining to support a man who was a candidate for district attorney because he published a boast that he had convicted a certain large percentage of those who were called for trial. A public prosecuting officer should have no zeal in the conviction of men charged with crime. His duty is as much to the man charged as to the Government that charges him. That is sound political morals, and men who boast or men who seek power to make it more difficult for a man to acquit himself of the charge do not appeal to me.

I only intended to call attention to it because I think it is a bureau bill. I have no doubt the committee gave it consideration, but probably—and I say it without any reflection upon the committee—because the Department of Justice thought they wanted it.

The PRESIDING OFFICER. The first amendment will be stated.

The SECRETARY. On page 1, line 7, after the word "defendant," strike out "and the United States;" in line 8, before the word "be," strike out "each;" and in the same line, after the word "twenty," to insert "and the United States to six," so as to read:

That section 819 of the Revised Statutes of the United States be so amended as to read as follows:

"SEC. 819. When the offense charged is treason, or a capital offense, the defendant shall be entitled to 20 and the United States to 6 peremptory challenges."

The amendment was agreed to.

The next amendment was, on page 1, line 9, after the word "felony," to strike out "or crime which is or may be punishable by imprisonment at hard labor;" on page 2, line 1, after the word "defendant," to strike out "and the United States;" in the same line after the word "shall," to strike out "each;" in line 2, after the word "ten," to insert "and the United States to six;" and in line 3, after the word "civil," to strike out "or" and insert "and," so as to read:

On the trial of any other felony the defendant shall be entitled to 10 and the United States to 6 peremptory challenges, and in all other cases, civil and criminal, each party shall be entitled to 3 peremptory challenges; and in all cases where there are several defendants or several plaintiffs the parties on each side shall be deemed a single party for the purposes of all challenges under this section.

Mr. HEYBURN. Mr. President, I have, by the courtesy of the Senator from Montana [Mr. CARTER], some figures briefly illustrating this condition, and I think probably this is the genesis of this move. Here is the record of one of the United State courts since 1906—the United States court at Denver, Colo.: Number of men involved in indictments, 113; cases under section 5440 of conspiracy, 16; cases under section 4746, 2; cases under section 5392 for perjury, 19; cases under section 5480, 1; total, 38 cases; convictions, none.

Mr. BORAH. Mr. President——

Mr. HEYBURN. I should like to finish reading the statement, so that it will not appear broken.

Demurrers sustained to these indictments, 19; motions to quash sustained as to 7; verdicts of not guilty as to 18; nolle prossed, 42; pending, 27.

I think probably that was an uncomfortable record, and they thought if they could clamp the defendant down a little tighter they might possibly convict him. I merely submit that statement in connection with my remarks.

Mr. BORAH. Mr. President, that record is a very interesting and instructive one, but it would be far more pertinent if we were discussing the question of grand juries. Practically all of these cases disappeared before the trial jury was called upon grounds going to the insufficiency of the indictment, or for the reason that the offenses charged were not offenses within the purview of the law as the court interpreted it. The Denver cases are notorious and well known, and it is unnecessary to read records here in order that we may be informed concerning them. But they have nothing to do with the necessity which is supposed to exist for this proposed legislation; and that is, that when a case exists and a valid indictment is pending and the Government sees fit to proceed to trial the Government may have a reasonable opportunity to secure a fair and impartial jury. The Government here is asking that it be given the opportunity to exclude 6 men from a jury while the defendant excludes 10. If a man can not afford to go to trial under those conditions he is in a situation where he expects to get through the fence without any considerable moral right to do so.

This bill was not a department bill in the sense that the committee abdicated its power to amend and revise and consider it. But we did have such information as led us to believe that conditions existed where the Government was supposed to be at a disadvantage by reason of the disproportionate number of challenges allowed to the Government and to the defendant.

I am not myself in favor of convicting anybody through prejudiced juries or through packed juries, but the Government has nothing to do with selecting these juries in the first instance. They are selected in a certain way, as provided by law and under the statutes, and they are supposed to stand indifferent between the Government and the defendant when they come into the box.

The Government has no advantage in the exercise of this superabundant power of which my colleague [Mr. HEYBURN] speaks in the securing of this jury in the first instance, but if the Government finds, the defendant having exhausted 10 peremptory challenges, that some man has gone upon the jury who is unfit to be there, it certainly ought to have some opportunity to get him off.

Mr. HEYBURN. Mr. President, will my colleague permit me to interrupt him for a moment?

Mr. BORAH. Yes.

Mr. HEYBURN. Is it not a fact that in ordinary proceedings at any term of court the jurors are more often drawn upon an open venire than otherwise? Long years of experience, I think, will justify that statement both to myself and to my colleague. In more than half the cases the regular panel is exhausted and

the court says to its officer, "Issue an open venire for 50 jurors." Sometimes they are taken from the court room, but more often from the streets of the city in which the court sits. Now, there is a case where the officer, perhaps most generally—if I may use such an ungrammatical phrase—has the zeal that prompted him in hunting up the man who is upon trial. I can say that without any reflection upon the motives of any man. He goes out with an open venire and selects men according to his own judgment and inclination. That is the Government's selection.

Mr. BORAH. Of course that argument is based on the assumption that the officer will violate his oath.

Mr. HEYBURN. No; I think I would not charge that.

Mr. BORAH. And violate the law. It can not be contended, it seems to me, that an officer will go out and search for other than indifferent jurors, for he is acting in accordance with law and conscience. If he selects men for jurors that he knows to be partial for one side or the other he is violating the statute under which he is authorized to act, the oath which he has taken, and the conscience which he is supposed to possess. This is not designed to cover that situation. A better remedy for that would be to get an honest officer.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 2, after line 7, to strike out—

Provided, however, That the consolidation of two or more cases, either civil or criminal, shall not affect the number of challenges to which the parties on each side are entitled under this section.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 8008) granting to Savanna Coal Co. right to acquire additional acreage to its existing coal lease in the Choctaw Nation, Pittsburg County, Okla., and for other purposes, was announced as next in order.

Mr. JOHNSTON. Let that bill go over, Mr. President.

The PRESIDING OFFICER. Being objected to, the bill will go over.

Mr. CHAMBERLAIN. I hope the Senator from Alabama will not object to the bill. It is a very short bill. It has been recommended by both former Secretary Garfield and Secretary Ballinger, and meets the concurrence of the chief of the Choctaw Nation and the Five Civilized Tribes.

Mr. JOHNSTON. I objected because I understood the Senator from Texas [Mr. BAILEY] was opposed to its consideration now.

Mr. CHAMBERLAIN. I do not insist if there is anyone who desires to discuss it.

The PRESIDING OFFICER. The Chair will state for the benefit of the Senator from Oregon that the Chair is informed that the junior Senator from Texas [Mr. BAILEY] asked that the bill be passed over on the ground that there was an incorrect description in the bill.

Mr. CHAMBERLAIN. Then, Mr. President, I do not desire to insist upon its consideration if there is any Senator who has any remarks to make with reference to the bill.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 21481) to amend section 4916 of the Revised Statutes, relating to patents, was announced as next in order.

Mr. HEYBURN. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will go over.

The bill (H. R. 22317) to authorize quo warranto proceedings in regard to offices in national banks was announced as next in order.

Mr. HEYBURN. I ask that that bill go over.

The PRESIDING OFFICER. The bill will go over.

J. BLAIR SHOENFELT.

The bill (S. 635) for the relief of J. Blair Shoenfelt, former United States Indian agent, Union Agency, Okla., was considered as in Committee of the Whole. The bill was reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to remit the claim of the United States against J. Blair Shoenfelt, late United States Indian agent, Union Agency, Okla., growing out of the embezzlement of moneys by Lyman K. Lane, formerly financial clerk and cashier at said agency, for which said Shoenfelt is accountable; and the Secretary of the Treasury is further authorized and directed to pay to J. Blair Shoenfelt the sum of $3,578.63, being the amount he has paid to the United States on account of said defalcation, and to place to the credit of the proper Indian funds the sum of $3,702.74 embezzled therefrom by said Lane; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $7,281.37 for the purpose of carrying this act into effect: *Provided, however,* That said settlement shall not be construed as a waiver of any claim the United States may have against said Lyman K. Lane as the result of said defalcation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

Mr. HEYBURN. I ask that the next three bills on the calendar be passed over.

The PRESIDING OFFICER. In the absence of objection, at the request of the Senator from Idaho, the next three bills on the calendar will be passed over. The Secretary will state them by number and title.

The SECRETARY. A resolution (S. Res. 257) that the Committee on Privileges and Elections be discharged from the further consideration of the joint resolution (S. J. Res. No. 41) proposing an amendment to the Constitution of the United States;

A bill (S. 7724) to provide for the payment of certain moneys advanced by the States of Virginia and Maryland to the United States Government to be applied toward erecting public buildings for the Federal Government in the District of Columbia; and

A bill (H. R. 7117) to increase the efficiency of the Engineer Corps of the United States Army.

ADDITIONAL PROTECTION FOR OWNERS OF PATENTS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1745) to amend section 4919 of the Revised Statutes of the United States, to provide additional protection for owners of patents of the United States, and for other purposes, which had been reported from the Committee on Patents with an amendment to strike out all after the enacting clause and insert:

That actions at law may hereafter be brought against the United States in the Court of Claims to recover any damages which may hereafter be sustained on account of infringement by the United States of letters patent.

Mr. HEYBURN. Mr. President, I think that bill had better go over.

The PRESIDING OFFICER. The bill will go over.

ELECTION OF UNITED STATES SENATORS.

The resolution (S. Res. 262) to discharge the Committee on the Judiciary from further consideration of the joint resolution (S. J. Res. No. 50) proposing an amendment to the Constitution respecting the election of United States Senators was announced as next in order.

Mr. BORAH. Mr. President, I ask that that go over. The report of the committee is now being prepared.

The PRESIDING OFFICER. The resolution will go over.

LIBBIE ARNOLD.

The bill (S. 6460) for the relief of Mrs. Libbie Arnold was considered as in Committee of the Whole. The bill was reported from the Committee on Claims with an amendment, in line 5, after the word "five," to strike out "thousand" and insert "hundred," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $500 to Mrs. Libbie Arnold, for injuries sustained by her and expenses of medical attendance, caused on the Senate elevator on the 2d day of December, 1895.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMIL HABERER.

The bill (H. R. 20132) for the relief of Emil Haberer was considered as in Committee of the Whole. It proposes to pay to Emil Haberer, of Cincinnati, Ohio, $539.55, being the amount paid by him to the United States as surety on the bail bond of Alfred S. Burroughs, who forfeited his bail bond in a cause wherein the United States was plaintiff and Alfred S. Burroughs was defendant.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STATE AGRICULTURAL AND TRADES SCHOOLS.

The bill (S. 8809) to cooperate with the States in encouraging instruction in agriculture, the trades and industries, and home economics in secondary schools; in maintaining extension departments in State colleges, and in preparing teachers for

these vocational subjects in State normal schools, and appropriate money and regulate its expenditures was announced as next in order.

Mr. HEYBURN. Mr. President, I move that that bill be placed on the Calendar under Rule IX. The author of the bill is dead.

The motion was agreed to.

MISSOURI RIVER BRIDGE, SOUTH DAKOTA.

The *bill* (S. 8592) to authorize the construction of a bridge across the Missouri River between Lyman County and Brule County, in the State of South Dakota, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was on page 1, section 1, line 3, after the word "company," to strike out the words "its successors and assigns be, and are hereby," and insert "is hereby;" in line 5, after the words "maintain a," to strike out "steel and concrete or all steel;" in line 7, after the word "point," strike out the words "to be selected" and insert "suitable to the interests of navigation;" in line 9 after the name "Lyman," to strike out "and" and insert "to;" on page 2, line 2, after the words "South Dakota," to strike out "said bridge to be constructed so as to provide for the passage of railroad trains, engines, and cars" *and insert* "in accordance with the provisions of an act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906," so as to make the section read:

That the White River Valley Railway Co. is hereby authorized to construct and maintain a railroad bridge, and approaches thereto, across the Missouri River, extending from some convenient and practicable point, suitable to the interests of navigation, on the west bank of said river in the county of Lyman to some convenient and practicable point in or near the city of Chamberlain, in Brule County, in the State of South Dakota, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The amendment was agreed to.

The next amendment was to strike out sections 2, 3, 4, 5, and 6.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED REVISION OF THE POSTAL LAWS.

The bill (S. 6970) to codify, revise, and amend the postal laws of the United States was announced as the next business on the calendar.

Mr. SMOOT. Let the bill go over.

Mr. BORAH. I ask that the bill go over under Rule IX.

The PRESIDING OFFICER. Without objection——

Mr. SMOOT. The Senator from Montana [Mr. CARTER] is not present, and I think it would be better to make that request when he is in the Chamber.

Mr. BORAH. It is impossible for the bill to be considered under this order; but if it is understood that it will not be called up in the absence of the Senator from Idaho, I shall not object.

The PRESIDING OFFICER. Does the Senator from Idaho withdraw his objection?

Mr. HEYBURN. It is too big a matter to be discussed under the five-minute rule.

Mr. BORAH. Certainly.

The PRESIDING OFFICER. Does the Senator withdraw his objection?

Mr. SMOOT. Just let it go over until the Senator from Montana is present.

The PRESIDING OFFICER. Does the Senator insist on its going over under Rule IX?

Mr. BORAH. I shall not object to its going over under Rule VIII if the Senator from Utah will see to it that it is not considered when I am not here.

Mr. SMOOT. I certainly shall, if I am in the Chamber.

The PRESIDING OFFICER. The bill will go over.

CONSERVATION OF NAVIGABLE STREAMS.

The bill (H. R. 11798) to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers, was announced as the next business on the calendar.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

JOSEPH R. REICHARDT.

The bill (H. R. 971) for the relief of Joseph R. Reichardt was considered as in Committee of the Whole. It proposes to pay to Joseph R. Reichardt $9,809.92, being the amount unlawfully collected from him at the port of New York under a judgment for duties unlawfully levied and assessed upon four certain importations of wool.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CIVIL GOVERNMENT FOR PORTO RICO.

The bill (H. R. 2300) to provide a civil government for Porto Rico, and for other purposes, was announced as the next business on the calendar.

Mr. SMOOT. Let the bill be passed over.

The PRESIDING OFFICER. The bill goes over at the request of the Senator from Utah.

FISH-CULTURAL STATIONS IN OREGON.

The bill (S. 8875) to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries in the State of Oregon was considered as in Committee of the Whole.

The bill had been reported from the Committee on Fisheries with an amendment, on page 2, line 4, after the word "appropriated," to insert the following proviso:

Provided, That before any final steps shall have been taken for the construction of fish-cultural stations in accordance with this bill, the States of Oregon, Washington, and Idaho, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the States to the contrary notwithstanding: *And provided further*, That the operations of said hatcheries may be suspended by the Secretary of Commerce and Labor whenever in his judgment the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatcheries.

Mr. HEYBURN. The bill had better go over.

Mr. SMOOT. It had better go over.

Mr. CHAMBERLAIN. I hope the Senator from Idaho will permit the bill to be considered now.

Mr. HEYBURN. I have no objection to it being considered now, if the Senator will move that it be taken up. We can not properly discuss it under Rule VIII.

Mr. SMOOT. Let it go over until we get through——

Mr. CHAMBERLAIN. If the Senator from Idaho wants to discuss it at length, of course I will——

Mr. HEYBURN. No; I will not object if the Senator will move to take it up.

Mr. SMOOT. Let it go over.

Mr. HEYBURN. It is an attempt to substitute the national fishery law for the State law; and I desire to inquire about it.

The PRESIDING OFFICER. Does the Chair understand that the Senator moves to take up the bill notwithstanding the objection?

Mr. CHAMBERLAIN. No; I will not do that.

The PRESIDING OFFICER. Then the bill will go over.

BILLS PASSED OVER.

The bill (S. 7574) for the relief of John M. Bonine was announced as the next business on the calendar.

Mr. SMOOT. Let the bill go over. I have just been examining the report.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 9469) to amend an act entitled "An act to amend section 4843 of the Revised Statutes," approved February 9, 1900, was announced as next in order.

Mr. HEYBURN. The bill had better go over until the chairman of the Committee on Military Affairs is present.

The PRESIDING OFFICER. The bill goes over.

JOHN H. WILLIS.

The bill (H. R. 18540) for the relief of John H. Willis was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, in line 8, after the word "Battery," to strike out "B" and insert "D," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, John H. Willis shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Battery D, Fourth United States Artillery, on the 26th of May, 1895: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

Mr. SMOOT. Is there anything in the bill that would allow the beneficiary to draw a pension from and after the passage of this proposed act? Will the Secretary read the report?

The PRESIDING OFFICER. The Secretary will read the report.

The Secretary read, in part, the report submitted by Mr. WARREN December 15, 1910, which is as follows:

The Committee on Military Affairs, to which was referred the bill (H. R. 18540) for the relief of John H. Willis, reports the same favorably to the Senate and recommends that it be passed with the following amendment:

In line 8, strike out the letter "B" following the word "Battery," and substitute therefor the letter "D."

A measure for the relief of this soldier was passed by both Houses of Congress in the Fifty-third Congress, and a similar measure was passed by the House of Representatives in the Fifty-fourth Congress.

This soldier was mustered into the United States service June 19, 1861, and served continuously throughout the War of the Rebellion. He is recorded as having deserted May 26, 1865, but in view of his long service, and the fact that his offense was committed after the close of the war, your committee is disposed to be lenient and to grant him a pensionable status, as provided in the bill.

The following is a report of The Adjutant General of the Army upon the case:

Case of John H. Willis, late of Company D, Fourth United States Artillery.

A report in this case was furnished the Committee on Military Affairs, House of Representatives, on House Bill 9288, Fifty-eighth Congress, second session, on February 25, 1904.

Following is a copy of that report:

It is shown by the records that John H. Willis was enrolled April 25, 1861, and was mustered into service June 19, 1861, as a private in Company E, Thirteenth Indiana Infantry, to serve three years, and that he was discharged October 20, 1862, by reason of enlistment on October 21, 1862, in Battery D, Fourth United States Artillery, under the provisions of General Orders 154, Adjutant General's Office, 1862. He reenlisted in the same battery February 1, 1864, for three years, and deserted May 26, 1865, at Camp Lincoln, Va., a private.

No record of medical treatment while in service has been found in his case. A deserter's release, exempting this man from arrest and trial by general court-martial as a deserter, was furnished to him by this department on November 23, 1893.

Applying for removal of the charge of desertion, Willis testified April 11, 1889, as follows:

"That he is the identical John H. Willis who was a private in Company D, in the Fourth Regiment of United States Artillery; that he served faithfully until on or about the 28th day of May, 1865, when, without any intention of deserting, he left the regiment under the following circumstances: 'Having received a letter from my wife, that herself and the children were sick, I went to the commanding officer of battery and requested him to give me a furlough home. He refused to do so and, having the love and respect a husband should for his wife and family, I took what they called in them days a French, and being very frail in body myself when I got home from the exposure while serving my country, I was unable to return to my company or do any manual duty at home, and no one to take care of my family, and no money to go any place or provide for my family, and knowing that the war was over, and that if I did go back I would just be an expense to the Government, I could not help but come to the conclusion that I had served my country through her troubles and I should stay at home.'"

Morgan Powell, a resident of Washington Township, Belmont County, Ohio, testified August 26, 1889, as follows:

"I have know said John H. Willis for 35 years. Know that he was a soldier in late war of 1861 to 1865. Know that prior to his entering the service he was a stout, healthy man. Recollect of said John H. Willis coming home to his family soon after Gen. Grant in his remarks at Washington, D. C., at grand review, said that the soldiers could then return to their homes to enjoy the great blessings for which they had so nobly fought. When said soldier arrived at home in June, 1865, he was very much worn and did not look as though he would ever be able to follow his vocation as farm hand; recollect of him saying when he came home that his term of service was not out, and that when he got word of the condition of his family he tried to get a furlough but was refused. He said he just started without leave from anyone, and I am now of the opinion that if he had went back to his command he would have been an expense to the Government, and I am sure he has never recovered from different diseases that he contracted while in the service. Knowing him so well before he went to the Army, and seeing him so often and being in company with him since the war, I could not help but recollect the facts stated above."

L. W. Willis, a resident of Smith Township, Belmont County, Ohio, testified August 23, 1889, as follows:

"I was well acquainted with the said John H. Willis before he went into the Army, having lived near neighbors to him for several years, and I know that at the time he enlisted he was a stout, healthy man. When he returned from the Army in June, 1865, he was very much reduced in health and flesh and was not fit to do any manual labor on a farm. At the time said soldier referred to above came home the health of his family was very bad and almost destitute of anything to subsist upon. The said John H. Willis did not undertake to tell his neighbors that he was honorably discharged from the Army, but without fear of any kind, he boldly informed his neighbors that the war was over, and hearing the condition of his family and being broken down himself, and having that love for his family that he had for his country, he wished to render them all the assistance he could; he left his command. I know the above statement from long acquaintance and being in company with him so much."

Under date of January 6, 1891, the applicant again testified, declaring as follows:

"Claimant was notified of sickness and destitution at his home and applied for a furlough, but was refused, whereupon he left and went home. The war being over he did not return, hence received no discharge from said organization."

The application for removal of the charge of desertion and for an honorable discharge in this case has been repeatedly denied, and now stands denied, on the ground that it has not been established that, at the date on which the soldier absented himself from his command, he was suffering from wounds, injuries, or disease received or contracted in line of duty, and that he was prevented from returning before the expiration of his term of service by reason of such wounds, injuries, or disease, and because the case does not come within any of the other provisions of the act of Congress approved March 2, 1889, which is the only law in force governing the subject of removal of charges of desertion.

Since the date of that report the status of the case has not been changed.

Respectfully submitted.

F. C. AINSWORTH,
The Adjutant General.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
February 5, 1910.

The SECRETARY OF WAR.

Attention is invited also to the following affidavits and letters:

THE STATE OF OHIO, *County of Belmont, ss:*

Before me, A. H. Caldwell, a notary public in and for said county and State, personally came Margaret A. Beckett, and makes oath in due form of law, and says that she knew John H. Willis, a private in Company D, Fourth United States Artillery, when he came home from the war, some time in the month of June, 1865, and that he was in very poor health, and was suffering with chronic diarrhea, and that he did not perform any manual labor for two months or more, and that his wife was sick, under treatment of the doctor, and that his family was in very needy circumstances, and that she had good cause to know all about them, as she lived a near neighbor to them.

MARGARET BECKETT.

Sworn to and subscribed before me this the 12th day of October, A. D. 1892.

[SEAL.] A. H. CALDWELL, *Notary Public.*

THE STATE OF OHIO, *County of Belmont, ss:*

Personally came Morgan Powell before me, A. H. Caldwell, a notary public in and for said county and State, and makes oath in due form of law, and says that he knew John H. Willis, a private in Company D, Fourth United States Artillery, when he came home from the war, some time in the month of June, 1865, and that he was in very poor health, suffering with chronic diarrhea, and that he did not perform any manual labor for two months or more.

MORGAN POWELL.

Witness:
H. C. CALDWELL.

Sworn to and subscribed by said Morgan Powell before me this 15th day of October, A. D. 1892.

[SEAL.] A. H. CALDWELL, *Notary Public.*

ARMSTRONGS MILLS, BELMONT COUNTY, OHIO,
November 28, 1891.

To the honorable Members of Congress, United States of America.

DEAR SIRS: John H. Willis, who was a private in Company D, Fourth Regiment United States Artillery, and who will at this session of Congress have a petition presented to your honorable body for the removal of charge of desertion, is a soldier that volunteered in 1861 and followed the flag through all the exciting and stirring scenes of the war till the end, in 1865, and he was always ready for duty when called on, and his health has been greatly impaired by the excessive duty and terrible hardships which he was compelled to undergo. He being a credible citizen and having served his country so long in the hour of her need, give his case a careful examination, and I feel confident that you will do him justice.

Very respectfully,

HENRY KINNEY, Jr.

ARMSTRONGS MILLS, OHIO, *November 30, 1891.*

Honorable Members of Congress, United States of America:

I have known John H. Willis, who was a soldier in Company D, Fourth United States Artillery, for the past 40 years. He is a respected citizen, and having served his country from 1861 to 1865, and who is at present disabled and old and has no sustenance other than what is given him and the little that he may earn with his own hands at labor as a hand on a farm, and at no time since he came back to this neighborhood from the Army, in 1865, would I consider him able to provide for his wife and family. Consider his claim carefully. I take this opportunity of thanking the Members of Congress for the uniform courtesy and kindness extended to the applicants. With best wishes for your welfare,

I remain, very truly, yours,

JOSIAH MCGUIRE.

Mr. SMOOT. The Secretary need read no further. I notice the report here from The Adjutant General, and I withdraw the objection to its consideration.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

INDIAN APPROPRIATION BILL.

The bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912, was announced as the next business in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

LANDS IN MILLARD COUNTY, UTAH.

The bill (S. 8457) to restore to the public domain certain lands withdrawn for reservoir purposes in Millard County, Utah, was considered by the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REMOVAL OF SNOW IN THE DISTRICT.

The bill (S. 4988) providing for the removal of snow and ice from the paved sidewalks of the District of Columbia was announced as next in order.

Mr. SMOOT. Upon the request of the senior Senator from Vermont [Mr. DILLINGHAM], I ask that the bill go over. There are certain amendments to the bill which he is not yet prepared to offer.

The PRESIDING OFFICER. The bill goes over.

AMOS HERSHEY.

The bill (H. R. 6075) for the relief of Amos Hershey was considered as in Committee of the Whole. It proposes to repay to Amos Hershey, of Gordonville, Pa., $1,250.80 for moneys paid as taxes and penalties upon cigars manufactured by W. M. Jacobs, which cigars were seized by the agents of the Government, who alleged that the stamps thereon were counterfeited by Jacobs.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE J. DILLER.

The bill (H. R. 16990) for the relief of George J. Diller was considered as in Committee of the Whole. It proposes to repay to George J. Diller, of Lancaster, Pa., $403.60 for moneys paid as taxes and penalties upon cigars manufactured by W. M. Jacobs, which cigars were seized by the agents of the Government, who alleged that the stamps thereon were counterfeited by Jacobs.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE ACROSS ST. JOHN RIVER, ME.

The bill (S. 9552) to authorize the construction of a bridge across St. John River, Me., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE ACROSS RED RIVER OF THE NORTH.

The bill (H. R. 26583) to authorize the city of Drayton, N. Dak., to construct a bridge across the Red River of the North was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OCEAN MAIL SERVICE AND PROMOTION OF COMMERCE.

Mr. HEYBURN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Clarke, Ark.	Heyburn	Rayner
Bailey	Crane	Johnston	Richardson
Beveridge	Crawford	McCumber	Root
Borah	Culberson	Money	Smoot
Bourne	Cullom	Nixon	Stone
Briggs	Cummins	Overman	Sutherland
Bristow	Curtis	Page	Taliaferro
Burkett	Dillingham	Paynter	Terrell
Burrows	Elkins	Penrose	Warner
Burton	Fletcher	Percy	Warren
Chamberlain	Frye	Perkins	
Clapp	Gallinger	Piles	
Clark, Wyo.	Guggenheim	Purcell	

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. A quorum of the Senate is present. The Chair lays before the Senate the unfinished business, the hour of 2 o'clock having arrived. It will be stated.

The SECRETARY. A bill (S. 6708) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce."

Mr. GALLINGER. Mr. President——

Mr. BEVERIDGE. Will the Senator from New Hampshire yield to me?

Mr. GALLINGER. I will yield to the Senator.

SENATOR FROM ILLINOIS.

Mr. BEVERIDGE. Mr. President, the Senator from New Hampshire kindly said before the holiday recess that he would not permit the unfinished business to interrupt the consideration of the majority report in the case now pending, involving the election to a seat in this body. I want just a moment, therefore, of the Senator's time, which he grants by this courtesy, to ask the chairman of the Committee on Privileges and Elections, whose attention I should like to have, whether the Senator from Michigan at this time might not be willing to agree to an early disposition of the matter.

I do this merely because the report of the majority of the committee has been on the table now for three weeks, subject to call. A minority report also has been made. And two speeches have been made, one by the Senator from South Dakota [Mr. CRAWFORD] yesterday and the other by the Senator from Oklahoma [Mr. OWEN] the day before upon this subject.

There does not appear to be anyone ready to go on with the discussion of this case on either side, either in support of the majority report or opposed to the same. And nobody has made remarks in favor of the findings of the majority of the committee.

So, in the interest of expediting the matter, which, of course, all wish to see concluded—not hurriedly, but after due consideration—I ask whether the Senator from Michigan is willing that we should fix a date when we may begin the consideration of the majority and minority reports and finally arrive at a vote upon the question proposed by the majority report and all motions and resolutions that may be offered thereon or properly connected therewith.

Mr. BURROWS. What is the Senator's request?

Mr. BEVERIDGE. I ask the Senator whether he would be willing that a time may be fixed for beginning the thorough discussion of this matter until its conclusion on a definite date, and whether a definite date can be arrived at when the whole matter may be disposed of.

If the Senator is agreeable to that, I will put a unanimous-consent request in the proper technical form.

The Senator will recall, as all Senators will who were here, that at the time the majority report was submitted I stated why I was not able at that time to assent or dissent; but, so that the matter would not be delayed on that account, I submitted a formal unanimous-consent request for two separate dates, which were not agreed to.

The reason why I do this at this time is because it appears that there have been two rather exhaustive speeches upon the questions which have been raised by the majority report and also there has been a minority report submitted, and nothing whatever has been heard in support of the majority report, and no one appears to be ready to go on.

Therefore, pursuing the course that is usually pursued in all matters of discussion where it does not appear that anybody is ready to go on, I am asking the Senator, as chairman of the committee, whether we can not now agree on a definite date, and if the Senator agrees, then I will put the unanimous-consent request in technical form.

Mr. BURROWS. Mr. President, I believe no member of the committee has yet been heard on this question except the Senator from Indiana, who filed minority views, or the individual views of the Senator. There seemed to be a desire upon the part of many to discuss the question before the committee had had the opportunity or had said anything in behalf of the majority report. Two speeches have been made, as stated by the Senator, and three, including the Senator's views, without reply.

The committee, of course, desire to be heard on this case, and will be heard at the proper time, but as there seemed to be such a desire on the part of those who were opposed to discuss the matter at once, the committee very courteously yielded to their desire and they have been heard.

I should think it was a little early to fix a date, although personally I am as anxious, and the committee is just as anxious, to dispose of the matter as the Senator is.

I will suggest that the Senator from Indiana let the matter rest for a few days until other Senators, those representing the views of the majority, can be heard; and then I think there will be no question but that we can agree upon a time when a vote shall be taken.

Mr. BEVERIDGE. Mr. President, that is perfectly satisfactory and perhaps clears up the situation. I suppose the Senators who spoke in opposition to the views expressed in the majority report appreciate—I am sure they do—the courtesy of the committee in permitting them to proceed, although, of course, they proceeded as a matter of right. But, of course, they esteem the consideration of the majority of the committee in permitting them to exercise their rights, to exercise which they needed to ask nobody's consent.

I will state further that we have now about six weeks and a half of the session remaining, and, as all Senators know, there are important measures of legislation which it is desirable shall be passed at this session if possible.

The Senator will agree that in making this request of him for an understanding upon this matter I am pursuing the usual and prudent course, so that there may not finally be such a tangle in the discussion of the case that it might hang on for

a long while with measures which are or may be imperiled, that must come or are now before the Senate, and which should be disposed of at an early time.

I was not advised, although of course I might have inferred, that the majority of the committee and others holding its views—certainly the majority of the committee itself—would want to be heard upon this question, and I am the last to desire by any unanimous consent to cut off anybody. Quite the contrary. Certainly I should not want to cut off the majority of the committee.

I have already stated, when the majority report came in, that neither this nor any similar case should be hastened unduly, nor, on the other hand, unduly delayed. I am sure that the Senator of all persons desires that the matter should have the regular course and be debated and disposed of; but it seemed to me wise, in view of the fact that all the speeches already made have been on one side and there was no apparent disposition on the part of anyone to go on upon either side, that, as has been the usual course always in the Senate, a request should be made so that we could understand about it.

With the understanding of the Senator that at a reasonable time, a time which of course it is in the discretion of the Senator to fix, the members of the committee, the majority, will submit to the Senate remarks in support of their views, and that other Senators will proceed to the discussion of the case, and that thereafter an early time may be fixed, I shall not press the matter further.

I thank the Senator from New Hampshire for his courtesy.

Mr. BURROWS. Mr. President, I ought to have said in addition to what I have said that the same courtesy which characterized the committee in giving way to those who desired to address the Senate upon this subject before the majority have been heard at all prompted me individually to extend the same courtesy to the Senator from New Hampshire, who had given notice that to-day he would desire to call up for discussion the bill which he has in charge.

Mr. BEVERIDGE. That was the right of the Senator from New Hampshire, but I have no doubt he appreciates the courtesy of the Senator from Michigan. I want to say to the Senator from New Hampshire that I am grateful for his courtesy in permitting me to make these remarks, which, of course, is the usual method. So there seems to be courtesy all around. What we want is to get the thing settled. We do not want undue haste or delay, but to get it settled.

I will further remind the Senator from Michigan that the Senator from New Hampshire voluntarily stated, without having to do so—and everybody appreciated it when the matter was up before the holidays—that he would not permit the unfinished business to stand in the way of this discussion. When he takes up the unfinished business at 2 o'clock he does it by right and not by courtesy, and we are indebted to him upon the courtesy proposition.

So I assume that this matter will proceed, that the committee will be heard from at an early date without undue delay, and then the debate can go along in the regular course and soon be concluded.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Michigan?

Mr. GALLINGER. I yield to the Senator.

Mr. SMITH of Michigan. Mr. President, I desire to inquire whether this resolution is regarded as of the highest privilege, whether it would take precedence over appropriation bills or conference reports. I do not understand that there has been any definite ruling upon that question, but inasmuch as this is to be a short session of Congress and must expire on the 4th of March, I myself would like to know whether the resolution is of the highest privilege and takes precedence over the legislation I have described.

The VICE PRESIDENT. The Chair will pass upon the matter when it is presented.

Mr. SMITH of Michigan. I should like to ask the Senator from Michigan, my colleague, whether he so regards it.

Mr. BURROWS. I would say to my colleague that the question, of course, is a privileged question, but the business of the Senate is always within its control, and a privileged question can, if the majority of the Senate so desire, be postponed for a day or to a day certain.

Mr. HALE. Will the Senator from New Hampshire yield to me?

Mr. GALLINGER. I yield to the Senator from Maine.

Mr. HALE. Mr. President, I should say from my observation and experience that the Senator from Michigan [Mr. BURROWS] has stated what is the real situation as to a question of privilege of this kind. It is always privileged. It may be introduced, it may be called up, but at any time when other business, in the view of the Senate, is more imminent and pressing, any other business may take its place.

Mr. BEVERIDGE. Certainly, if the Senate so decide.

Mr. HALE. In that regard—and the Chair will, I think, bear me out in that in his experience here and in the other House—it is something like a conference committee report, it is privileged. It may be introduced at any time, but it is then in the control and in the hands of the Senate. It is not possible that the entire session can be confiscated by a single question of this kind being kept always before the Senate as a question of privilege.

Mr. BEVERIDGE and Mr. SMITH of Michigan addressed the Chair.

The VICE PRESIDENT. Does the Senator from New Hampshire yield, and to whom?

Mr. GALLINGER. I yield briefly to the Senator from Indiana.

Mr. BEVERIDGE. I do not think I can disagree with any word that has been spoken by the Senator from Maine, especially not offhand, except, perhaps, the right to introduce a resolution of invalidation at any time. The Senator will agree that that must be done under standing orders. But he seems to state the law as to the practical situation. Of course, the Senate has in its own control its business, and no one thing could keep the exclusive possession of the floor, except the will of the Senate, unless under a unanimous agreement.

Mr. HALE. That is the will of the Senate.

Mr. BEVERIDGE. It would be then the will of the Senate, as the Senator truly says. Nevertheless, unless some unanimous consent is agreed on at a time when legislative measures will be coming together, like in the present session, there might be, as so often seen, legislative tangles, which would result unfortunately for all measures and motions.

May I say just this one word as a matter of suggestion about the question of privilege and highest privilege, Mr. President? A question involving the validity of the election of a Member of this body can not be considered a matter of the highest privilege to be introduced without order and voted on at any time; but a resolution expelling a Senator is a matter of that privilege, because the reason of that is that the latter motion might be necessary to the safety of the body. Of course, anybody who has read the debates upon questions of this kind understands the reason why a two-thirds vote, for instance, is required on a matter of expulsion. It might involve the danger, even the physical danger, of the body. That is the only question in matters of this kind to be called, in the sense in which the word is usually employed, a question of the highest privilege; but a mere resolution declaring an election invalid comes in under the standing rules and orders of the Senate. That is a matter of privilege submitting itself to the discretion and good sense of Senators. There is the distinction.

I am much obliged to the Senator from New Hampshire.

OCEAN MAIL SERVICE AND PROMOTION OF COMMERCE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6708) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. GALLINGER. I ask that the bill, which is now the unfinished business, be read in full.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Postmaster General is hereby authorized to pay for ocean mail service, under the act of March 3, 1891, in vessels of the second class on routes to South America, to the Philippines, to Japan, to China, and to Australasia, 4,000 miles or more in length, outward voyage, or on routes to the Isthmus of Panama, at a rate per mile not exceeding the rate applicable to vessels of the first class, as provided in said act, and in vessels of the third class on said routes, at a rate per mile not exceeding the rate applicable to vessels of the second class, as provided in said act: *Provided*, That if no contract is made under the provisions of this act for a line of ships between a port on the Atlantic coast south of Cape Charles and South American ports, the Postmaster General shall, provided two or more lines are established from North Atlantic ports, require that one of said lines shall, upon each outward and homeward voyage, touch at at least two ports on the Atlantic coast south of Cape Charles, regard being had in the selection of such ports of call to geographical location and to the volume of the export and import business of the ports so selected: *Provided further*, That the total expenditure for foreign mail service in any one year shall not exceed the estimated revenue therefrom for that year.

Mr. GALLINGER. I ask unanimous consent that the substitute which I submitted to the Senate a few days ago, and which is in print and has been on the desk of Senators, be inserted without reading.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The substitute is as follows:

Amendment, in the nature of a substitute, intended to be proposed by Mr. GALLINGER to the bill (S. 6708) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," viz: Strike out all after the enacting clause and insert the following:

"That the Postmaster General is hereby authorized to pay for ocean mail service, under the act of March 3, 1891, in vessels of the second class on routes to South America south of the equator, outward voyage, at a rate per mile not exceeding the rate applicable to vessels of the first class, as provided in said act, and in vessels of the third class on said routes at a rate per mile not exceeding the rate applicable to vessels of the second class, as provided in said act: *Provided*, That if no contract is made under the provisions of this act for a line of ships between a port on the Atlantic coast south of Cape Charles and South American ports, the Postmaster General shall, provided two or more lines are established from North Atlantic ports, require that one of said lines shall, upon each outward and homeward voyage, touch at at least one port of call on the Atlantic coast south of Cape Charles for mail, freight, and passengers, regard being had in the selection of such port of call to geographical location and to the volume of the export and import business of the port so selected: *Provided further*, That to insure the independent operation of any steamship line holding a contract under the provisions of the act of March 3, 1891, or of this amendatory act, and to prevent discrimination detrimental to the public interest, the Postmaster General shall in no event award any contract for the mail service therein provided for to any bidder who shall be engaged in any competitive transportation business by rail, or who shall be engaged in the business of exporting or importing goods, wares, merchandise, or other property on his own account, or who shall bid for on behalf of or in the interest of any person or corporation engaged in such business, or either of them, or having the control thereof through stock ownership or otherwise: *And provided further*, That the Postmaster General is authorized and directed to cancel any contract entered into in pursuance of the act of March 3, 1891, or of this amendatory act, if at any time the performance of the same shall rest within the control of any competitive railroad company or of any person or persons in control of the same through stock ownership or otherwise, or if any party to any such contract shall make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic in any respect whatsoever, or subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage: *Provided further*, That, subject to the foregoing provisions, every contract hereunder shall be awarded to that responsible bidder who will contract, under penalties prescribed by the Postmaster General, for the highest running speed between the points named in the contract: *And provided further*, That the total expenditure for foreign mail service in any one year under this act shall not exceed the sum of $4,000,000, and shall not in any case exceed the amount of revenue received from the foreign mail service over and above the amount otherwise paid for such service."

Mr. GALLINGER. I will suggest in the beginning, and I am going to be very brief, that the discussion I propose to indulge in will be on the substitute bill, which at the proper time I will move as a substitute for the original bill.

Mr. President, the proposed substitute for the bill which is now the unfinished business is an amendment to the ocean mail law which has been in force since March 3, 1891. That law has created a mail, passenger, and fast freight service in American steamships on the short routes to the West Indies and Mexico. The countries to which these steamships run now buy about 50 per cent of their entire imports from the United States. On these short routes the ocean mail legislation has proved successful. What is now proposed is to create a similar service on the longer routes, to the great countries of South America "south of the Equator," which now buy only from 9 to 14 per cent of their entire imports from the United States. These countries have poor communication with us and good communication with Europe.

Not one American steamship is now running on any of the long routes to South America. For all mail, passenger, and fast freight facilities on these routes the American people are dependent on the ships grudgingly provided by their European competitors. It need not be said that these facilities are far inferior to those furnished by Europe for its own use.

Not only are the present ships inferior in size and speed, and wholly owned and controlled by our European rivals, but these ships are and long have been organized into a foreign Ship Trust or combination, the more effectually to promote European and obstruct American trade. This European Ship Trust, stifling American commerce, is the most sinister and deadly of all combinations that threaten the United States.

The present bill aims to break up this arrogant monopoly through the power of an independent American competition in new high-class steamships, built for the auxiliary naval service and operated under rigid contract with the Government. The purpose of the bill has the express approval of President Taft, the State Department, the Post Office Department, the Navy Department, and the Department of Commerce and Labor.

At present fast steamships of the first class, which can only be operated on routes to Europe, where passenger traffic is large and remunerative, are paid $4 an outward mile under the provisions of the law of 1891. This bill authorizes the payment of a similar amount to steamships of the second class of from 16 to 20 knots, and $2 a mile to third-class steamers of from 14 to 16 knots, in order to create new services on the long routes to South America, where passenger traffic is still relatively small and a speed of 20 knots would be excessive and unprofitable. None of the foreign steamships now running from this country to South America have a speed of more than 14 knots, and there are very few of these. Most of the ships of the European combine are 10 to 12 knot craft, or ordinary freighters.

The law of 1891 has been in force 20 years. It has created a good steamship service on the short routes to the Caribbean and the Gulf of Mexico. It has failed to create such a service on the longer routes to South America, and 20 years of experience are surely enough to prove that the present compensation is inadequate on these long routes. Several times a service has been attempted, but every effort has failed, because the rate of pay for carrying the mails was insufficient.

Great Britain a few years ago established a mail service in 16-knot steamers, corresponding to steamships of the second class, across the Pacific from British Columbia to Japan and China. These British steamships were paid $3.60 a nautical mile and were allowed to carry coolies as a majority of their crews.

The law of 1891 offers $2 a statute or $2.30 a nautical mile to 16-knot American steamships—$1.30 less than the British rate—and requires that a large and increasing proportion of the crews shall be Americans.

The present bill offers $4 a statute or $4.60 a nautical mile; the crews must be white men at $25 to $40 a month instead of Asiatics at $8. There has been great loss of life in wrecks of passenger steamships, chargeable to the ignorance or panic of Chinese or Lascar sailors.

It should be said that when the ocean mail law of 1891 was passed the rates of compensation which the Senate had fixed as no more than adequate were seriously cut down by the House of Representatives. Had the bill become a law as it passed the Senate its purpose would doubtless have been consummated.

The substitute bill differs from the bill now on the calendar chiefly in the fact that all provision for lines across the Pacific Ocean, to Japan, China, the Philippines, and Australasia, is stricken out, as is specific provision for lines to the Isthmus of Panama. A few American steamships—five or six in all—are running across the Pacific Ocean to the Orient, while there are no American steamships at all or proper steamships of any flag running to either the east or the west coast of South America. It has therefore been deemed best to concentrate all effort on creating entirely new lines where none now exist to the great South American countries, whose trade opportunities are so promising, countries with which we should be closely united by swift and frequent communication, as we are by political sympathy.

The requirement that if two or more lines are established under this bill from the North Atlantic coast to South America, one of these lines shall on each outward and homeward passage stop for mail, freight, and passengers at at least one port south of Cape Charles is retained in the substitute bill, as is the requirement that the total expenditure on the ocean mail service, including the amount authorized in this bill, shall not exceed the total revenue from that service. In addition, the total expenditure is limited in any event to $4,000,000 a year.

There are other and still more important new provisions in the substitute bill, intended still further to protect the interests of the country and the Government. Thus—

to insure the independent operation of any steamship line—

the Postmaster General is forbidden to award a contract—

to any bidder who shall be engaged in competitive transportation business by rail, or who shall be engaged in the business of exporting or importing goods, wares, merchandise, or other property, on his own account, or who shall bid for, on behalf of, or in the interest of any person or corporation engaged in such business or either of them, or having the control thereof through stock ownership or otherwise.

A further provision directs the Postmaster General to cancel any contract the performance of which—

shall rest within the control of any competitive railroad company or of any person or persons in control of the same through stock ownership or otherwise.

And similarly any contract is to be canceled if the holder of it gives any undue advantage to or shows undue prejudice against any person, company, firm, corporation, locality, or particular description of traffic. Finally, the Postmaster General is instructed to award contracts to responsible bidders offering the highest running speed.

All these stipulations are aimed to prevent anything like favoritism or monopoly, and to make sure that the new lines of steamships shall faithfully serve the interests of the whole United States. No such control can be exercised over European steamship companies, whose managers and property are entirely beyond our jurisdiction.

It is probable that if this bill is passed there will eventually be established three lines from our Atlantic coast to the east coast of South America—to Brazil, Uruguay, and Argentina—one or more of these lines touching, as the bill requires, at at least one port south of Cape Charles. It is also probable that there will be established one line from the Gulf coast to the east coast of South America, and one line from the Gulf coast through the Panama Canal to the west coast of South America, Chile, and Peru, and one or two lines from the Pacific coast to Panama and South America.

It is likely that there will also be established, not under the proposed bill but indirectly as a consequence of it and of the general stimulus given by it to shipbuilding and navigation, a short line under the present rate of compensation from a Gulf port to Colon, a line from the Atlantic coast to Colon, and two lines from the Pacific coast to Panama.

To equip these new lines would require from 35 to 40 steamships of from 16 to 20 knots, ranging in size from 8,000 to 12,000 gross tons, and costing each from $1,400,000 to $2,000,000. Maritime authorities say that no steamships like those requisite for such a service now exist disengaged in the United States, and that new ships must be built before the lines can be established. This work would take two or three years.

Those new steamships would come under the general provisions of the law of 1891. They would have to be built on designs approved by the Navy Department with reference to prompt and economical conversion into auxiliary cruisers in time of war. They would have to be capable of carrying batteries of high-power rifled cannon, and in case of need would have to be turned over to the Government. All of their officers, and in the first two years of a contract at least one-fourth, in the next three years at least one-third, and thereafter at least one-half of their men must be American citizens. The ships must carry a certain number of American boys to be trained in seamanship. The wisdom and practicability of these requirements were proved in the Spanish War, when our entire fleet of mail steamships operating under the law of 1891 on the line to Europe and the lines to the West Indies and the Gulf of Mexico was taken over by the Government and found ready for immediate and efficient service. Unfortunately those auxiliary naval steamships were too few. The proposed bill aims to increase their number to a fleet more nearly equal to the needs of the United States.

This in brief, Mr. President, covers all the features of the proposed legislation. The bill is in nowise a subsidy bill, but simply provides for increased mail pay for lines of steamships to the leading countries of South America, where the possibilities of trade conditions are such as to warrant a reasonable expenditure in the establishment of steamship lines under the American flag.

Following is a schedule of suggested steamship lines and sailings made possible under the provisions of this bill:

Suggested number of sailings—Round trips and distances traveled.

Route.	Sailing intervals.	Number of annual sailings.	United States ports of sailing.	Nautical miles.	Total distance.	Total distance, round trip.	Annual steaming distance.	Annual mail pay.
1	Fortnightly	26	New York—					
		26	Charleston	629				
			Pernambuco	3,631				
			Rio de Janeiro	1,139				
					5,399	10,798	280,748	$646,562.00
2	Fortnightly	26	New York—					
		26	Savannah	699				
			Montevideo	5,732				
			Buenos Aires	100				
					6,531	13,062	339,612	782,126.00
3	Monthly	12	Baltimore—					
		12	Norfolk	167				
			Rio de Janeiro	4,663				
			Montevideo	1,056				
			Buenos Aires	100				
					5,986	11,972	143,664	330,858.00
4		26	Seattle—					
		26	San Francisco	775				
		26	San Pedro	377				
		26	San Diego	86				
			Panama	2,905				
			Valparaiso	2,608				
					6,751	13,502	351,052	807,459.00
5	Fortnightly	26	New Orleans—					
			Colon	1,380				
			Panama	50				
			Valparaiso	2,608				
					4,038	8,076	209,976	483,574.00
6	Fortnightly	26	New Orleans—					
			Pernambuco	4,146				
			Rio de Janeiro	1,139				
					5,285	10,570	274,820	316,043.00
	Total	284			33,990	67,980	1,599,872	3,366,672.00

The following short lines to the Isthmus of Panama may be established under existing law at the present rates of compensation through the general encouragement of independent shipping involved in the new provisions of the proposed bill:

Route.	Sailing intervals.	Number of annual sailings.	United States ports of sailing.	Nautical miles.	Total distance.	Total distance, round trip.	Annual steaming distance.	Annual mail pay.
7	Weekly	52	New York—					
		52	Charleston	629				
			Colon	1,563				
					2,192	4,384	227,968	$262,505.00
8	Fortnightly	26	New Orleans—					
			Colon	1,380				
					1,380	2,760	71,760	82,631.50
9	Fortnightly	26	San Francisco—					
		26	San Pedro	377				
		26	San Diego	86				
			Panama	2,905				
					3,368	6,736	175,136	201,609.00
10	Fortnightly	26	Seattle—					
		26	San Francisco	775				
		26	San Pedro	377				
		26	San Diego	86				
			Panama	2,905				
					4,143	8,286	215,436	248,074.50
	Total	312			11,083	22,166	690,300	794,880.00
	Grand total	596			45,073	90,146	2,290,172	4,161,502.00

RECAPITULATION.

This bill is likely to result in 596 sailings a year from 11 United States ports to the Canal Zone and South America, giving 1 sailing every 7 days from Atlantic ports to Pernambuco; 1 every 5 days from Atlantic ports to Rio de Janeiro; 1 every 5 days from Atlantic ports to Montevideo; 1 every 5 days from Atlantic ports to Buenos Aires; 1 every 4 days from Atlantic ports to Colon; 1 every 14 days from Gulf ports to Pernambuco; 1 every 14 days from Gulf ports to Rio de Janeiro; 1 every 14 days from Gulf ports to Valparaiso; 1 every 7 days from Gulf ports to Colon; 1 every 14 days from Gulf ports to Panama; 1 every 4 days from Pacific ports to Valparaiso; 1 every 2 days from Pacific ports to Panama.

The total steaming distance to accomplish the service is 2,290,172 miles, nautical, every year. The annual potential freight-carrying power of the entire fleet, comprising thirty-eight 10,000-ton 16-knot steamers, is 5,540,000 tons of cargo, exclusive of bunker coals.

These proposed lines to South America run to what should be to the United States some of the most profitable markets in the world. The progressive South American Republics are all of them large consumers of the products of the North Temperate Zone, but under present conditions they draw most of their imports from Europe. The chief European nations have had the wisdom to provide adequate means of mail, passenger, and freight communication. Great Britain, Germany, France, Italy, Spain, even Portugal and Sweden, have national steamship lines to South America, all aided or encouraged in some way by their Governments. It is easy for South American merchants to send their orders to or receive their goods from Europe. It is very difficult, indeed impossible, for them to communicate in any quick or satisfactory way with the United States.

According to the International Bureau of American Republics, Brazil, Uruguay, and Argentina, three countries which would be reached by our proposed lines to the east coast of South America, are the heaviest buyers per capita in the Latin-American world. Thus, Argentina, with but 6,000,000 people, imports merchandise valued at $302,765,895, or $46.66 per capita; Uruguay, with 1,112,000 people, imports $38,643,035, or $34.75 per capita; Brazil, with 20,515,000 people, imports $179,690,125, or $8.75 per capita.

These figures mean that the great countries of South America offer a very much better market in proportion to their population than the countries of the Orient. Comparing, for example, the annual per capita imports of China, which last year amounted to only 78 cents, it will be seen that the foreign per capita trade of Argentina is 60 times that of China, the trade of Uruguay 40 times that of China, and the trade of Brazil over 11 times that of China. Moreover, these South American countries are rapidly developing and advancing in material prosperity. At present the South American countries are not large traders with us. Out of $521,099,055 worth of merchandise imported last year, they bought but $70,000,000, or 14 per cent, from the United States.

Other and nearer Latin-American countries, the West Indies and Mexico, with which we have good, swift, regular communication by American steamship lines, running under the law of 1891, buy substantially 50 per cent of all their imports from the United States. There can not be the slightest question that a good, regular American steamship service, with the active cooperation of our merchants, would soon lift the United States into a similar commanding position in the markets of Brazil, Uruguay, Argentina, Chile, and Peru.

Chile has 3,249,000 people, and her imports are $94,349,795, or $29 per capita. Peru has 4,500,000 people, and her imports are $30,000,000, or $7 per capita. Out of the total imports of both countries, an aggregate of about $125,000,000, only about $15,000,000 worth, or only 9 per cent, has been bought from the United States. Not one American steamship runs or has run for many years in regular service between our ports and the ports of Peru and Chile. For all our communication with these great west-coast countries and with the east-coast countries of Brazil, Uruguay, and Argentina we are dependent absolutely to-day on foreign shipping.

It will readily be seen that if the proposed legislation results in the establishment of steamship lines, as suggested, a very important step will have been taken toward the rehabilitation of the American merchant marine, at a comparatively trifling cost to the Treasury of the United States. The bill will open new and important markets for the products of our farms and factories. It will also solve the problem of the use to some extent of the Panama Canal by merchant vessels of the United States, instead of giving it over absolutely to ships of foreign nations.

In view of the fact that the terms of the bill apply only to our neighbors on the south, I indulge the hope that the measure will meet the unanimous approval of the Senate, and that its passage through this body will not be long delayed. Later on in the debate, if necessary, I will be glad to elaborate any point that has been touched upon, or to explain any phase of the proposed legislation that may be called to my attention.

Mr. HALE. Mr. President, I can conceive of no public measure involving more importance to the people and the industries of the United States than the bill presented by the Senator from New Hampshire [Mr. GALLINGER]. It is a doleful recital which has to be made of the present condition of the trade between the United States and other States on the American Continent; the South American States, growing rapidly in importance as they are, growing, I think, in stability of their government, not yet wholly complete, but more stable than heretofore. It is a depressing condition that always confronts us that European powers, European shipping, and European business men, with the wide ocean between them and with none of the natural ties that associate us with those Republics, are carrying on and profiting by the growing trade of those countries.

I should hope that the Senator's prediction will be realized, that when this proposition is brought to the test of the sense and judgment of the Senate there will be almost or quite unanimity in its favor. The Senate has never been affrighted at the word "subsidy"; it has never involved itself in any scandalous subsidies; but this body has never been afraid of dealing with a subject of this kind in a business way; and I should hope when the Senator, with his customary diligence, brings this matter to the actual test of the sense of the Senate, he will be thoroughly backed up.

I was not surprised, Mr. President, at certain facts and conditions brought out by the Senator showing the relative unimportance of oriental trade as compared with South American trade. There is not much real comparison between the two, except to the disadvantage of the trade in the Orient. We do not amplify there; we never shall amplify there. I predict that neither in my day nor in the day of any Senator here younger than I or with longer service will we see, notwithstanding the attractive form of the phrase "oriental trade," any real expansion in that direction. We do not get it. We shall not get it. We do not increase. There may be certain articles of importation as to which we allow free entrance to our ports where the trade increases, but the products of American labor and American manufacture will never for a moment stand the competition in what is called "the trade of the Orient" either with England or Germany or Japan. That is an ignis fatuus. But South America ought to be developed and pour riches into the business marts and manufactures of the United States. I should hope that the Senator would, as I know he will, urge this matter constantly. It is the unfinished business, made so by the Senate as of first importance, and I think we ought to pass this bill some time within the next week.

Mr. STONE. Mr. President, I concur heartily in what the Senator from Maine [Mr. HALE] has said about the importance of South American trade. I concur in his view as to the importance of developing and encouraging that trade. I fear it has been too much and too long neglected by our business men, and, so far as the Government is responsible, neglected also by the public authorities of the country.

I have felt for a long time, Mr. President, that the great field, the principal field, for trade exploitation abroad for our people was in South and Central America. I think it more important than what is called "the oriental trade." I agree with the Senator to that extent, but, at the same time, I am firm in the opinion that there is a great, illimitable field of commercial exploitation in the growing and opening Empire of China particularly, and, to some extent, in other oriental countries. I believe that Japan, being nearer to this field of exploitation, will largely command it, and that it will be a difficult contest on our part to enter there and compete in a large way successfully; but, at least, the population there is so enormous, and the opportunity for trade so great, that I have felt, and still feel, that we ought to look after it with great assiduity and care, and press our interests in that direction with the greatest earnestness we can.

So far I go with the Senator from Maine and the Senator from New Hampshire. Why it is that we do so little business in Central and South America as compared with the business done by European countries opens up another and an entirely different, though immediately more interesting, inquiry. I think, sir, that we have not, through our consular agents and officers, been represented in the States to the south of us, generally speaking, with the kind of men calculated to promote and advance our interests, and I have felt that we have been giving more attention to the political affairs of Central America especially, and, to some extent, to those of South America, than we

should, interfering, injecting ourselves into their domestic affairs, prejudicing their people against the United States, and exciting alarm in their minds as to the purpose of our Government and our people. We are not pursuing a course of international treatment toward those people in the South and Central American States calculated to attract them to our markets, but rather to repel them, for men do not ordinarily go to a country to buy or to trade with a people with whom they are not on friendly terms, or whom they suspect of having some ulterior or sinister motive with reference to their well-being and autonomy.

I believe, Mr. President, that we have largely lost our trade and that we are unable to exploit our interests and develop them because of the practical disappearance of our commercial fleet. I think therein lies the principal cause of our loss of the trade not only of Central and South America, but of the oriental countries as well. We have no ships worth speaking of flying the American flag. We ought to have large numbers of commercial vessels afloat on the seas, manned by American sailors. We ought to have a highly equipped and intelligent commercial agency appointed by and under the management and control of the State Department. All these forces and agencies should cooperate to develop our trade with these countries and others as well.

Mr. President, I believe that the loss of our maritime prestige is due to mistaken public policies regarding the merchant marine, and I do not believe we will restore or rehabilitate our merchant marine so long as our existing navigation laws and other laws relating to the shipping interests of the country remain on the statute books, and until a different and what I consider and what Senators around me consider a wiser policy shall be adopted with a view to the restoration of our interests on the oceans.

I have listened with great interest to what the Senator from New Hampshire [Mr. GALLINGER] has said. He always speaks with force and clearness and sincerity. He is an experienced and able representative, and well commands the respectful attention of his colleagues here. Still, even so wise and experienced a legislator as he may be mistaken, and many of us think he is gravely mistaken, and that the Senator from Maine [Mr. HALE] and others who concur with the policy which has prevailed so long with reference to our shipping interests are mistaken as to that policy.

I agree with the Senator that this measure should be brought to a vote. I am not afraid of the word "subsidy," but I do not believe in subsidizing unless I can be convinced that it is necessary to enable us to compete with the policies of other countries, and unless I can be persuaded that a public interest will be subserved commensurate with the outlay. The mere expression "subsidy" is no ghost walking abroad to frighten me. I do not care for it. But I do not believe, sir, that a mere subsidy, however large, granted from the Treasury of the United States to our shipbuilders and operators will restore our merchant marine. I have not yet been convinced of that fact.

There are some things which, in the course of this discussion, Senators upon this side will desire to say to the Senate and to the country that will operate to delay to some extent, but not unnecessarily. I am sure there is no wish upon this side to delay action upon this measure, and after fair discussion we should have a vote upon it; and if the Senate believes in this policy, so far as I am concerned, I am willing for the majority of the Senate to take the responsibility for it. But I am not ready now, if that is the purpose of the suggestion of the Senator from Maine, to agree upon a day for a vote.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. CUMMINS in the chair). Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. STONE. I do; in fact, I was through.

Mr. GALLINGER. I will say to the Senator from Missouri that it was not my purpose at all to urge an immediate vote. On the contrary, I had agreed with the Senator from Ohio [Mr. BURTON] that this matter should go over until next Monday to give him an opportunity to address the Senate on the question, and I hope that in the meantime other Senators may speak on the subject. But there is going to be no undue haste. I trust we will reach a vote by the end of this month. But, so far as I am concerned, I certainly want to do just the right thing in regard to it and to have it fairly and fully considered.

Mr. STONE. I am sure that is the purpose of the Senator from New Hampshire.

Mr. HALE. Mr. President, there is a great deal of force and thoughtfulness in the suggestions of the Senator from Missouri [Mr. STONE]. I have felt—and in this I agree with him—that we have been subject to a sentiment of unfriendliness, almost alienation, on the part of these southern Republics, because they have felt that we had too much disposition to carry a strong hand with them, and to interpose and to interfere with their own governments and the relations of their people. I think the Senator will agree with me that this condition has been made of less importance lately. I do not think that the diplomacy of the United States in its present hands and in its present conduct is devoted to the big stick policy with these southern people. I think an atmosphere of caution and conservatism comparatively pervades the State Department and the administration of the Government to-day; and I agree with the Senator that this is desirable, and the absence of this and the presence of the other have prejudiced us heretofore.

I do not think it is so much so with regard to the greater peoples of South America, who do the business, have the trade, and can furnish commerce, exports and imports, as it is with some of the smaller powers—in Central America and on the northern slope of the South American Continent. But that I think is improving. I think the Senator will concede that.

Now, his other suggestion has great force. It is a question, and must be a question, how much and how effectually and how immediately the subventions of the Government to steamship lines will build up trade, shipbuilding, and ship ownership. That is a thing which has given some of us on the seacoast, in the marine States, great trouble.

But this is undoubtedly true, that all the nations who control this trade and who establish and maintain steamship lines and transport exports and imports and monopolize the trade of these countries, which ought to be ours, do it with their own shipping. They manage it somehow. I do not suppose in the great trade which Germany has developed with the southern countries there is a single ship participating that is not a German-built ship. I do not suppose that in the new and very significant development of Germany as a trade-carrying power any of that trade has been shared by anything but German ships.

Now, they all have subventions. Germany, when it started, had the same difficulty that the Senator suggests, and it took the risk. They have built their ships; they have subsidized their lines and have conquered the trade of the South American Continent; and the experiment—I may call it that, almost, for we have been so lacking heretofore—that we are seeking to inaugurate is following in that line.

Mr. President, it is an attractive picture which the Senator from New Hampshire presented of the different sailings contemplated by this bill from the different ports of the United States—Atlantic, Gulf, Pacific; so many ships a day sailing out under the assistance that we render them and bearing to those countries the products of our fields and of our marts and our manufactures, and welcomed by those countries, and bringing back in return their products, which we need. It inflames the imagination. There is nothing, perhaps, Mr. President, that arouses a real legitimate interest like a picture such as the Senator from New Hampshire presented. To me it is a thousandfold more valuable, more attractive, more desirable than the military phase of a greatly expanded navy and military power and coercion, for that is what follows.

This, Mr. President, is one of the victories of peace, and unless we embark upon it we will never know whether this picture which the Senator from New Hampshire has presented of America furnishing the ships and the products and the trade with these southern people, and in return receiving their products and their trade, will ever be realized.

I think the Senator is right, as a matter of detail, in not crowding this measure. I have been through the mill. I am depressed, and have been, by the consideration of what we should do, and whether what we undertake to do will accomplish what we desire to do; and I believe that this program, which was covered by the Senator in his most conclusive speech upon this subject, embraces what we ought to embark upon.

Mr. NEWLANDS. Mr. President, it was not my good fortune to hear all of the address of the Senator from New Hampshire [Mr. GALLINGER]; I heard only the concluding portions; and I should like to ask the Senator if he will kindly state, or perhaps restate, how many ships and of what tonnage capacity will be employed in these routes which he proposes to establish and what the annual cost will be.

Mr. GALLINGER. Mr. President, the number that I stated, as I now recall it, was 35 to 40 ships of from 8,000 to 10,000 tons capacity, costing from $1,400,000 to $2,000,000 each—if that is the cost the Senator has reference to, the cost of the ships—and that estimate was given to me by gentlemen who are thoroughly conversant with the cost of ships in this country.

Of course, the Senator will bear in mind the fact that it does not by any means follow that all of these routes will be established. It will take from two to three years, in the first place, to build the ships. There will be no expense whatever upon the Treasury until we get the ships. In the next place, the Postmaster General will advertise, and if he gets encouragement the subvention will be granted and the lines will be put into operation.

Again, I want to say that while the proposition in the bill is to *give* second-class ships the same mail-pay compensation that is now given to first-class ships, which compensation has established routes on the shorter lines, it is optional with the Postmaster General to give a less compensation if he can secure the service for a less sum. It is not a fast agreement. He is not bound to pay this double compensation unless it becomes necessary that it be done.

We have an illustration of that in the Red D Line, which runs to Venezuela, where the line is getting 33 per cent less than the amount named in the act of 1891 as being applicable to ships of that class.

Mr. NEWLANDS. Then, I understand, Mr. President, that it is contemplated that the total number of ships to be embraced in this service will probably be 40 or 50——

Mr. GALLINGER. Well, we hope so.

Mr. NEWLANDS. Costing from a million dollars——

Mr. GALLINGER. A million four hundred thousand dollars to two millions each.

Mr. NEWLANDS. To two millions each, and that the total annual cost to the United States of that will be about $4,000,000.

Mr. GALLINGER. Approximately that, if the lines are all established.

Mr. NEWLANDS. Yes. Assuming that as the basis, I desire to say that I am entirely in sympathy with any proper movement that will restore——

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from New Hampshire?

Mr. NEWLANDS. Yes.

Mr. GALLINGER. If the Senator will permit me, I think a false impression was created, perhaps, in the minds even of some Senators on the question of cost. Of course the cost of the ships is a matter with which the Government has nothing whatever to do——

Mr. NEWLANDS. I understand.

Mr. GALLINGER. Except to require that they shall be built according to specifications found in the act of March 3, 1891, so that they can be converted into auxiliary vessels in time of war.

Mr. NEWLANDS. I was remarking, Mr. President, that I was entirely in sympathy with any proper movement that would stimulate our merchant marine and would bring about the restoration of our flag on the oceans.

But we all realize the difficulty of that task. One difficulty is that ships built in American shipyards cost, I believe, at least 50 per cent more than those constructed in foreign shipyards, and, second, that the operation of American ships costs from 40 to 50 per cent in excess of the operation of similar ships under foreign service. So we start with that initial difficulty. Assuming that other nations do subsidize their merchant marine, it is essential that we should give a subsidy very much larger than that of these other countries, because of the initial cost of the ships and the additional cost of operation.

In the next place, the ships can accomplish little unless they carry goods. It is proposed by this bill to stimulate trade with South America, and the Senator from New Hampshire paints a very attractive picture of the trade possibilities there, indicating very clearly that the per capita imports of those countries far exceed the per capita imports of oriental countries, and therefore it is of greater importance that we should stimulate trade with South American countries than trade with the Orient.

But of what does that trade consist? The exports from those countries are mainly natural products. The imports of those countries are mainly manufactured products. Those countries do not require natural products, agricultural products, such as we can export in competition with the entire world. But they do require manufactured products, in the production of which we can not compete with the rest of the world, and we confess this by declaring openly that it is essential to have in this country a protective tariff averaging 50 per cent of the value of imported manufactures in order to maintain our domestic industries. We confess that. It is not a matter of contention.

Now, then, if this contention be true, that the average cost of production of manufactured products in this country is nearly 50 per cent in excess of that of European products of a similar character, to which country will the South American peoples go for the manufactured products which they seek to import? Naturally to the country of the lowest cost of production, and those are the countries requiring South America's agriculture and natural products. So we have to meet this great natural demand of the South American countries for manufactured products, which can be secured cheapest in Europe, and of the European countries for agricultural products which can be secured as cheaply in South American countries as in the United States. So there is a natural current of trade between South American and European countries which we in our efforts to establish a merchant marine must stem and overcome.

Mr. President, it seems to me entirely logical to assume that we must either abandon this high protective system with a view to bringing our costs of production down to the world's level, so that we can compete with other countries in the export of manufactured products, or we must create subsidies of enormous proportions to meet not only the difference in the cost of building ships and of operating ships, but to meet the difference in the cost of production of the things which are to be exported to those countries.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Georgia?

Mr. NEWLANDS. Yes.

Mr. BACON. With the permission of the Senator from Nevada, I presume the Senator's proposition is based upon the assumption that our goods will be sold in the foreign countries at the prices at which they are sold in our country, which is very far from the truth. The fact is, as anyone will see who has the opportunity for personal observation, and as anyone will know by an examination of the statistics, that there is a very large proportion of our goods now sold in foreign countries, but sold at a very much less price than they are sold to consumers in this country.

I will state, Mr. President, that I have recently had opportunity for observation in the simple matter of shoes. I have been perfectly astonished on seeing the exhibitions in the show windows of almost every shoe store in every important city across the water that I have had the opportunity to visit—large displays of American shoes—which are sold at retail for less price than they are sold in this country. Of course, naturally, they are sold to retailers there at wholesale prices very much less than they are sold to consumers or retail sellers in this country.

So, while I agree with the Senator thoroughly in his general proposition, I think he must take that into consideration. The profits of manufacturers under our high protective tariff are such as enable them to enter foreign markets and largely compete in those markets with the foreign manufacturers.

Mr. NEWLANDS. Mr. President, I was not unaware of the conditions to which the Senator from Georgia refers. There are doubtless many manufactured products of this country that are sold for less abroad than the price obtained at home and at prices that are competitive with the prices of foreign countries. I do not know how many industries would be included in such a practice—not very many, probably, but enough to demonstrate the fact that in addition to the subsidy we are creating by this bill, the subsidy of the ships that are to carry the goods, the American people are largely subsidizing American industries, and that in some cases that subsidy is so enormous as to enable those industries to dump their surplus abroad in competition with other countries.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. I would prefer not to be interrupted, because I do not wish to get into a general tariff discussion.

The PRESIDING OFFICER. The Senator from Nevada declines to yield.

Mr. HEYBURN. I desired to ask the Senator a question.

Mr. NEWLANDS. I intend to make only a few remarks.

Mr. HEYBURN. If the Senator declines to be interrupted, of course I will not ask the question.

Mr. NEWLANDS. I prefer not to be drawn into a tariff discussion now.

Mr. President, the Senator from Maine very truly says that the trade of these countries so near to us ought to be ours; and he presents a picture of a mutual exchange of products, which must mean that we send to those countries manufactured products in competition with European countries, whose production we claim costs much less than ours, and which must mean also that we receive from them agricultural products when we are rich in agricultural products ourselves, and do not require importation of such products. But I agree with the Senator from

Maine that unless we embark upon this venture we will never know, and the question now is, how can we in a reasonable and sensible way embark upon the venture?

One of the arguments advanced for a subvention to a merchant marine is that it is necessary to create an auxiliary navy. What does an auxiliary navy mean? It means the ships, such as transports, colliers, dispatch boats, and scouts that are necessary to support the fighting ships in case of war, and without which, in time of war, our fighting ships would be derelict in the ocean.

We all understand that to-day we have a badly proportioned Navy, a navy like a man without a leg or without an arm, a navy like an army without a quartermaster's department or a commissary department. We realized that when our fleet sailed around the world, and in order to meet the demand of that fleet for coal we were compelled to call upon other countries to supply the colliers.

I called the attention of the Senate to this fact two or three years ago, and I remember that the Senator from Maine seized upon some expression I made and amplified it most eloquently. He declared that our Navy as it was and as it is would be in case of war as useless as "a painted ship upon a painted ocean." At that time the Senator from Maine supplemented me in my efforts to increase the auxiliary navy of the United States, to attempt at least to create a better proportioned navy, by bringing in his navy bill appropriations for three or four or five colliers. That method of appropriation was not pursued with the energy which I would have liked to have seen.

I believe it is well to have a well-proportioned navy than a badly proportioned navy, and I would rather have a well-proportioned navy, with every member belonging to a well-proportioned navy, than a navy of fighting ships larger in number but without the ability to sustain themselves in case of war. So I have urged that we should diminish the appropriations, temporarily at least, for the fighting ships and apply our energies to the construction of the ships that are to support the fighting ships in the emergency that the fighting ships are called upon to meet, that of actual war.

Now, Mr. President, the question is what can be done with these auxiliary ships, built as a part of the Navy in time of peace? Let me suggest that we require a naval reserve. We need men who, at any time, in case of war, as trained men, can enter into the service of the fighting ships. Such a naval reserve can be largely made up of boys and young men, such young men as are now being trained at the naval training schools of the country. A floating training school is just as good as one upon land, and better. It costs no more. The housing for a naval reserve upon sea costs no more than the housing upon land, and upon the sea the young men are learning to solve every day the problems which relate to their vocation. Why should we not have floating training schools, and why should not we build as a part of our Navy these transports, colliers, dispatch boats, and scouts; and why should not they be used for that useful purpose? In addition to that, could we not in times of peace let out to commercial or shipping companies these ships, largely manned by the Naval Reserves and officered—in part, at least—by United States naval officers for purposes of commerce to open up new and untried markets, such as those in South America now in contemplation?

The estimate which I had some time ago with reference to the cost of such ships was a million dollars, I believe, for each ship of about six or seven thousand tons, such ships as the excellent ships that used to sail from San Francisco to Australia, sailing, I believe, at the rate of about 16 knots an hour. Why should not these ships be used in opening up these new routes of travel, and then we will have reached what the Senator from Maine desires to reach, an ascertainment of what can be done by an actual experiment.

I do not like to open up the road to subventions, to subsidies. The whole country is now in revolt against legislation intended to advance special interests. The whole tendency of the country now is the other way, to divorce legislation from business and to do away with the temptation to these great interests to participate in elections and to influence legislation or administration. I would not see the area of the activities of these interests enlarged by inviting this great shipping interest in as a factor in politics, in legislation, and in administration. But I can see no objection to the creation of a well-proportioned Navy, one that will be of real and actual service in case of war, and I can see no objection to dealing with that auxiliary navy in a business-like way, making its primary purpose during time of peace the training of the Naval Reserve, and making its secondary purpose some recompense for cost of construction and operation by leasing them for opening up these new routes of commerce, and at the same time demonstrating whether it is possible for us, with the alleged high cost of production in this country, sustained by a protective tariff system, to engage in competition with other countries having lower costs of production in the open, neutral, and untried markets of the world.

Mr. GALLINGER. Mr. President I simply rise to express my gratification at the debate we have had to-day on this most important question. In the observations I made I carefully refrained from entering into any discussion of questions that have heretofore engaged the attention of the Senate when a somewhat similar bill was before it, such as the subsidies and subventions paid by foreign governments to their steamship lines, and the enormous amount of tribute that we pay to foreigners for transporting our passengers and merchandise, estimated to be between two and three hundred million dollars annually.

I meant to impress upon the Senate, and I want to impress it upon the Senator from Nevada [Mr. NEWLANDS], that this is not a subsidy to any steamship line or steamship lines.

For 20 years we have had on the statute books a law that grants certain compensation for the carriage of our mails. It has been adequate to establish lines on short routes, such as the Ward Line to Cuba and Mexico, the Red D Line to Venezuela, and some other lines; but it has not been sufficient to enable any steamship line to operate on any of the longer routes, especially to South America. The simple proposition, and it is all there is in this bill, is to increase the compensation now allowed under the act of March 3, 1891, retaining all the restrictive provisions in that law, so far as the construction of the ships is concerned and the right of the Government to take them over in an emergency. It is believed that the increased compensation to second-class ships will result in the creation of new lines from the Atlantic and Pacific coasts and from the Gulf coast to the South American countries, where we shall undoubtedly be able to develop a very much greater trade than we have at the present time.

I had hoped, and I do hope now, that in the discussion of the question Senators will bear in mind the simple fact that this is not asking for a direct appropriation from the Government for a service not to be performed, but that it is simply enlarging the compensation under certain conditions that is already being granted under a law that has been on the statute books unchallenged for 20 years.

When the ocean mail bill of 1891 passed the Senate it carried a much larger compensation than is now in the law. It went to the House of Representatives, and it was there amended, and unfortunately it was amended in such a way that it has proved inadequate for the establishment of lines such as are contemplated in the present measure.

Mr. President, I repeat that I am gratified at the temperate manner in which this matter is being discussed. Of course we take different views of all public questions; it is right that we should; and I do not expect every Senator to agree with me on this proposition, as I do not agree with certain Senators on other propositions that are before the body. The most I can hope for is that, after a fair debate, after a sufficient length of time has elapsed to give every Senator an opportunity to discuss it on the one side or the other, we shall then come to a vote, as we came to a vote two years ago when a somewhat similar bill passed the Senate, without a division. I trust that we may have as gratifying a result this year as we had at that time.

THE OPIUM TRAFFIC.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States (S. Doc. No. 736), which was read:

To the Senate and the House of Representatives:

In my annual message transmitted to the Congress on December 7, 1909, I referred to the International Opium Commission as follows:

> The results of the Opium Commission, held at Shanghai last spring at the invitation of the United States, have been laid before the Government. The report shows that China is making remarkable progress and admirable efforts towards the eradication of the opium evil, and that the Governments concerned have not allowed their commercial interests to interfere with a helpful cooperation in this reform. Collateral investigations of the opium question in this country lead me to recommend that the manufacture, sale, and use of opium and its derivatives in the United States should be, so far as possible, more rigorously controlled by legislation.

Since making that recommendation, I transmitted to the Congress, on February 21, 1910, a report on the International Opium Commission and on the opium problem as seen within the United States and its possessions, prepared on behalf of the American delegates to the commission, and I gave my approval to the recommendations made in a covering letter from the Secretary of State regarding an appropriation and the necessity for Federal legislation for the control of foreign and interstate

traffic in certain menacing drugs and requested that action should be taken accordingly. (S. Doc. No. 377, 61st Cong., 2d sess.)

The Congress has so far acted on the recommendations as to appropriate $25,000 to enable the Government to continue its efforts to mitigate, if not entirely stamp out, the opium evil through the proposed International Opium Conference and otherwise to further investigation and procedure.

I now transmit a further report from the Secretary of State giving cogent reasons why the opium exclusion act of February 9, 1909, should be made more effective by amendments that will prohibit any vessel engaged in trade from any foreign port or place to any place within the jurisdiction of the United States, including the territorial waters thereof, or between places within the jurisdiction of the United States, from carrying opium prepared for smoking, and that would make it unlawful to export, or cause to be exported from the United States and from territories under its control or jurisdiction, or from countries in which the United States exercises extraterritorial rights where such exportation from such countries is made by persons owing permanent allegiance to the United States, any opium or cocaine, or any derivatives or preparations of opium or cocaine, to any country which prohibits or regulates their entry, unless the exporter conforms to the regulations of the regulating country.

The Secretary of State further points out a defect in the opium exclusion act of February 9, 1909, in that smoking opium may be manufactured in the United States from domestically produced opium, and the pressing necessity for remedying that defect by an amendment to the internal-revenue act of October 1, 1890, that would place a prohibitive revenue tax on all such opium manufactured within the jurisdiction of the United States from the domestically produced material; and he further urges the enactment of legislation which will control the importation, manufacture, and distribution in interstate commerce of opium, morphine, cocaine, and other habit-forming drugs.

I concur in the recommendations made by the Secretary of State and commend them to the favorable consideration of the Congress with a view to early legislation on the subject.

WM. H. TAFT.

THE WHITE HOUSE,
Washington, January 11, 1911.

The PRESIDING OFFICER. The Chair is uncertain with respect to the committee to which the message should be referred, and will take the action of the Senate upon it.

Mr. HALE. It should go to the Committee on Foreign Relations.

Mr. GALLINGER. I think it should go to the Committee on Foreign Relations.

The PRESIDING OFFICER. It is suggested that the message be referred to the Committee on Foreign Relations. If there be no objection it will be so referred, and it will be printed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. I ask unanimous consent for the immediate consideration of three private pension bills on the calendar, being Orders of Business Nos. 884, 885, and 886.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. McCUMBER. I ask the Senate first to consider Order of Business No. 884, which is House bill 28434.

The bill (H. R. 28434) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, line 7, before the word "dollars," to strike out "twenty" and insert "twenty-four," so as to make the clause read:

The name of Matthew Corbitt, late of Company B, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 6, before the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the clause read:

The name of Silas M. McClure, late of Company H, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, after line 22, to strike out:

The name of James Craig, late first lieutenant Company I, Ninth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. McCUMBER. The next is House bill 28435.

The bill (H. R. 28435) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 3, line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of John Cherry, late of Company E, One hundred and thirty-second Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The next amendment was, on page 17, after line 2, to strike out:

The name of Gideon F. Brayton, late chaplain Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, after line 18, to strike out:

The name of Homer C. Shaw, late assistant surgeon, Tenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, line 6, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Benjamin T. Garrison, late of Company G, Sixty-eighth Regiment, and Company H, Seventieth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 33, line 11, before the word "dollars," to strike out "fifty" and insert "forty," so as to make the clause read:

The name of Orrin Hay, late of Company C, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 38, line 14, before the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the clause read:

The name of Simon P. Fryberger, late of Company D, One hundred and eleventh Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 41, line 1, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Benjamin F. Laughlin, late of Company D, Osage County (Mo.) Home Guards, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 41, after line 19, to strike out:

The name of John Smart, late of Company B, One hundred and twenty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 43, to strike out:

The name of John B. Clevenger, late of Company E, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 51, after line 12, to strike out:

The name of James Anderson, late of Company G, Second Battalion, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. McCUMBER. The next is Senate bill 10099.

The bill (S. 10099) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rates stated:

Eri C. Tuller, late of Company G, Twelfth Regiment, and Company M, Seventeenth Regiment, Illinois Volunteer Cavalry, $24.

Benjamin F. Harless, late of Company B, Seventh Regiment West Virginia Volunteer Cavalry, $24.

George D. Salyer, late of Companies I and A, Seventh Regiment Indiana Volunteer Cavalry, $24.

Thomas B. Hedges, late of Company H, Forty-sixth Regiment Indiana Volunteer Infantry, $30.

Cook Gamble, late of Company G, One hundred and thirty-eighth Regiment Illinois Volunteer Infantry, $24.

George W. Rowe, late of Companies G and B, Eighth Regiment New Hampshire Volunteer Infantry, $24.

Lydia C. Rose, widow of Thomas E. Rose, late colonel Seventy-seventh Regiment Pennsylvania Volunteer Infantry, $30.

Jonathan M. Ragner, late of Company B, Twenty-seventh Regiment Missouri Volunteer Mounted Infantry, $12.

Mary V. Eveland, widow of Lewis B. Eveland, late first lieutenant Company A, Forty-eighth Regiment Pennsylvania Volunteer Infantry, $17.

Artemus Ward, late of Company A, Fifteenth Regiment Michigan Volunteer Infantry, $30.

Murray V. Livingston, late of Company D, First Regiment Massachusetts Volunteer Cavalry, $30.

William C. Lauscher, late of Company G, Twelfth Regiment Wisconsin Volunteer Infantry, $24.

Jasper Blain, late of Company E, Two hundred and eighth Regiment Pennsylvania Volunteer Infantry, $24.

John E. Walters, late of Company C, Thirty-ninth Regiment Kentucky Volunteer Infantry, $50.

Mortimer Stiles, late of Company B, Thirteenth Regiment Indiana Volunteer Infantry, $30.

Robert J. Hunt, late of Company B, First Regiment Illinois Volunteer Artillery, and captain's clerk, U. S. S. *Great Western* and *Lexington*, United States Navy, $24.

Newcomb S. Smith, late hospital steward, Thirty-second Regiment, and assistant surgeon, Thirty-fifth Regiment, Iowa Volunteer Infantry, $30.

Frank Taylor, late of Company G, Forty-fourth Regiment Wisconsin Volunteer Infantry, $24.

Emeline C. Wachter, former widow of Charles L. Wachter, late hospital steward, United States Army, $12.

John W. De Mott, late of Company I, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, $30.

William R. Hunter, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, $24.

William I. Powell, late of Company B, Sixth Regiment Tennessee Volunteer Infantry, $24.

William H. Thompson, late of Company B, Second Regiment Kansas Volunteer Cavalry, $24.

John Banfill, late of Company F, One hundred and forty-second Regiment Indiana Volunteer Infantry, $24.

Henry Frank, late of Company G, Thirty-ninth Regiment Illinois Volunteer Infantry, $24.

Samuel F. Pate, late of Company E, Ninety-fourth Regiment New York Volunteer Infantry, $24.

Jesse Fisher, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, $24.

William S. Russell, late of Company A, First Battalion, Eighteenth Regiment United States Infantry, $24.

Maggie Little, widow of Charles W. Little, late of Company C, Third Regiment Vermont Volunteer Infantry, $20.

Samuel C. Bernhard, late of Company H, Third Regiment Maryland Volunteer Cavalry, $24.

Samuel T. Warren, late of Company K, Forty-eighth Regiment Indiana Volunteer Infantry, $24.

Max Lenz, late of Company F, First Regiment Illinois Volunteer Light Artillery, $30.

Ellen E. Brock, widow of Thomas A. Brock, late second lieutenant Company H, Twelfth Regiment Vermont Militia Infantry, $20.

Edward P. Payne, late of Company K, Forty-eighth Regiment Pennsylvania Volunteer Infantry, $24.

Samuel S. Jordan, late of Company B, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, $24.

Robert McCalmont, late of Company E, One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infanty, $30.

James F. Cross, late of Companies F and C, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, $30.

Melvina White, widow of Daniel S. White, late of Company G, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and One hundredth Company, Second Battalion, Veteran Reserve Corps, $20.

Ella I. Jenkins, widow of John H. Jenkins, late of Company H, Tenth Regiment New York Volunteer Heavy Artillery, $12.

Morris H. Alberger, late major and quartermaster, United States Volunteers, $30.

Daniel F. Lynch, late of the Ninth Unattached Company, Massachusetts Militia Infantry, $12.

John D. Slocum, late of Company H, Fifteenth Regiment Iowa Volunteer Infantry, $30.

Harrison Thompson, late of Company D, First Regiment Ohio Volunteer Light Artillery, $24.

George W. Beasley, late of Company K, Fortieth Regiment Indiana Volunteer Infantry, $24.

George W. Reed, late of Company E, Thirtieth Regiment Iowa Volunteer Infantry, $30.

Benjamin F. Brubaker, late of Company E, One hundred and eighty-sixth Regiment Pennsylvania Volunteer Infantry, $24.

Robert B. Cross, late of Company K, First Regiment Ohio Volunteer Light Artillery, $24.

James A. Rapp, late of Company H, Thirty-second Regiment, and Company D, Sixteenth Regiment, Wisconsin Volunteer Infantry, $36.

Ann W. Ward, widow of John W. Ward, late of Company A, Eighth Regiment Kentucky Volunteer Infantry, $16.

Ada May Blanchard, helpless and dependent daughter of Reuben Blanchard, late of Company A, Two hundred and eleventh Regiment Pennsylvania Volunteer Infantry, $12.

Thomas Griffin, late of Company G, Fourth Regiment West Virginia Volunteer Cavalry, $30.

Seth Nation, late of Company A, Eighth Regiment Indiana Volunteer Infantry, $40.

Joseph Burke, late of Company F, Twenty-ninth Regiment Indiana Volunteer Infantry, $30.

Charles E. McQueen, late of Company A, McClellan Dragoons, Illinois Volunteer Cavalry, and Company H, Twelfth Regiment Illinois Volunteer Cavalry, $30.

David Adamson, late of Company A, Ninth Regiment Michigan Volunteer Infantry, $30.

Jefferson Stanley, late of Company F, Thirty-first Regiment Wisconsin Volunteer Infantry, $30.

Albert Person, late of Company G, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, $30.

James N. Ballard, late of Company B, First Regiment Vermont Volunteer Cavalry, $30.

Henrietta Magee, widow of David W. Magee, late lieutenant colonel Eighty-sixth Regiment, and colonel Forty-seventh Regiment, Illinois Volunteer Infantry, $30.

John T. Rothwell, late of Company H, Eighty-second Regiment Ohio Volunteer Infantry, $30.

Albert A. Burleigh, late of Company M, First Regiment District of Columbia Volunteer Cavalry, and Company H, First Regiment Maine Volunteer Cavalry, $30.

James H. Browning, late of Company B, Tenth Regiment West Virginia Volunteer Infantry, $30.

Daniel P. Jenkins, late of Company G, Fourth Regiment West Virginia Volunteer Infantry, $30.

David Heston, late of Company C, Seventeenth Regiment West Virginia Volunteer Infantry, $24.

Robert A. Tyson, late second lieutenant Company F, Ninety-second Regiment United States Colored Volunteer Infantry, $24.

Amos Mardis, late of Company K, Twenty-fourth Regiment Ohio Volunteer Infantry, and first lieutenant Company C, Tenth Regiment Ohio Volunteer Cavalry, $30.

Lorinda E. Thayer, widow of William F. Thayer, late of Company A, Fourth Regiment Iowa Volunteer Infantry, $20.

John C. Hussey, late of Company G, Ninety-ninth Regiment Indiana Volunteer Infantry, $30.

Michael Sheehan, late of Company I, Eighth Regiment Massachusetts Militia Infantry, $24.

Mathew W. Clark, late of Company D, Sixtieth Regiment Indiana Volunteer Infantry, $24.

John A. Booth, late of Company G, Twenty-seventh Regiment Wisconsin Volunteer Infantry, $30.

Margaret O'Dell, former widow of Frederick Giese, late of U. S. S. *Grampus*, *Great Western*, and *Sybil*, United States Navy, $12.

Joseph A. Pennock, late of Company K, Sixteenth Regiment Illinois Volunteer Cavalry, $24.

Newton W. Hamar, late of Company I, Eleventh Regiment Wisconsin Volunteer Infantry, $30.

Charles H. Hahn, late of Company H, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, $30.

Edwin L. Carr, late of Company D, Seventh Regiment New Hampshire Volunteer Infantry, $30.

John Beeler, late of Company E, Eighty-third Regiment Ohio Volunteer Infantry, $40.

Henry Oliver, late of band, Thirteenth Regiment United States Infantry, $30.

Hiram Mead, late of Company I, Seventh Regiment Michigan Volunteer Infantry, $24.

John C. S. Burritt, late of Company F, Ninth Regiment New Jersey Volunteer Infantry, $24.

Frederick E. Partridge, late of Company A, Sixteenth Regiment Maine Volunteer Infantry, $40.

Daniel J. Haynes, late of Company A, Thirty-third Regiment, and Company F, Twenty-sixth Regiment, Kentucky Volunteer Infantry, $30.

Anna Eliza Dunkelberg, widow of Charles A. Dunkelberg, late captain Company C, Second Regiment Pennsylvania Volunteer Heavy Artillery, $20.

Sarah Coffin, widow of Thomas C. Coffin, late of Company A, Seventh Regiment Iowa Volunteer Cavalry, $20.

Charles H. Haskin, late captain Company H, Thirteenth Regiment Iowa Volunteer Infantry, $30.

Charles C. Hill, late of Company H, Twenty-fifth Regiment Michigan Volunteer Infantry, and Company F, Fifteenth Regiment Veteran Reserve Corps, $24.

Addis E. Kilpatrick, late of Company E, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, $36.

Benedict Coomes, late of Company K, Forty-eighth Regiment Kentucky Volunteer Infantry, $24.

Sarah A. R. Sumner, widow of Alexander B. Sumner, late major First Regiment Maine Veteran Volunteer Infantry, $25.

Richard Webb, late of Company A, First Regiment Maine Volunteer Cavalry, $30.

James A. Colehour, late of Company I, Ninety-second Regiment Illinois Volunteer Infantry, $30.

Fred A. Howard, late of Company F, Twenty-ninth Regiment Maine Volunteer Infantry, $24.

George W. Ray, late of Company G, Seventh Regiment Missouri State Militia Volunteer Cavalry, $24.

Charles A. Detrick, late of Company A, Thirty-eighth Regiment Iowa Volunteer Infantry, $24.

Lorinda Herr, widow of John S. S. Herr, late first lieutenant Battery F, First Regiment West Virginia Volunteer Light Artillery, $25.

William Landers, late of Company K, Fifty-seventh Regiment Illinois Volunteer Infantry, $24.

John Barr, late of Company G, Fourth Regiment Missouri Provisional Enrolled Militia, $24.

Eugenia Clark, widow of David Clark, late of Company E, Sixth Regiment Maine Volunteer Infantry, $12.

William J. Long, late first lieutenant Company F, Eleventh Regiment Kentucky Volunteer Infantry, $50.

Edward Higgins, late of Company L, Thirty-first Regiment Maine Volunteer Infantry, $40.

Leonard N. George, late of Company E, Fifteenth Regiment New Hampshire Volunteer Infantry, and Company C, First Regiment New Hampshire Volunteer Heavy Artillery, $24.

George E. Haladay, late of Company D, Fourteenth Regiment New Hampshire Volunteer Infantry, $30.

Elizabeth E. Root, widow of Frank P. Root, late acting second assistant engineer, United States Navy, with rank of ensign, $25.

James J. Garner, late of Company D, Third Regiment Kentucky Volunteer Infantry, $24.

Isaac J. Long, late of Company G, Purnell Legion, Maryland Volunteer Infantry, $24.

William L. Laffer, late of Company D, Fifty-second Regiment Ohio Volunteer Infantry, $24.

Kate F. Higgins, widow of George Z. Higgins, late surgeon Fifteenth Regiment Maine Volunteer Infantry, $25.

Robert B. Horton, late of Company G, Twenty-second Regiment Connecticut Volunteer Infantry, $24.

George R. Bill, late of Company C, Eighteenth Regiment Connecticut Volunteer Infantry, and captain Company H, Thirty-ninth Regiment United States Colored Volunteer Infantry, $30.

Addie B. Crowell, widow of Gilman K. Crowell, late of Companies E and K, First Regiment United States Volunteer Sharpshooters, $20.

Edward H. Dixon, late of Company F, Sixtieth Regiment Massachusetts Volunteer Militia, $24.

Sewell D. Batchelder, late of Company G, Second Regiment New Hampshire Volunteer Infantry, $24.

Henry Grebe, late of Company H, Twentieth Regiment Wisconsin Volunteer Infantry, $30.

Minnie Tuft, widow of James K. Tuft, late of Company C, Tenth Regiment Minnesota Volunteer Infantry, $12.

Christian Unger, late of Company G, Fourth Regiment Minnesota Volunteer Infantry, $30.

Loyal F. Williams, late second lieutenant Company M, Sixth Regiment Iowa Volunteer Cavalry, $50.

Joseph Vannatta, late of Company E, Thirty-fifth Regiment Wisconsin Volunteer Infantry, $30.

William L. Gibson, late of Company C, Twenty-second Regiment Wisconsin Volunteer Infantry, $30.

Franklin Boothe, late of Company I, Seventy-fifth Regiment, and Company I, Forty-second Regiment, Indiana Volunteer Infantry, $24.

Henry C. Rode, late of Company B, Sixth Regiment United States Veteran Volunteer Infantry, $24.

Albert H. Rogers, late of Company I, Twentieth Regiment, and Company G, Twenty-ninth Regiment, Iowa Volunteer Infantry, $24.

James F. Robinson, late of Company D, and first lieutenant Company C, First Regiment Maine Volunteer Heavy Artillery, $24.

William Campbell, late of Company B, Eleventh Regiment Massachusetts Volunteer Infantry, and Company G, Fifth Regiment United States Veteran Volunteer Infantry, $24.

George B. Little, late of Company I, Third Regiment Vermont Volunteer Infantry, $30.

Mary E. Lobb, widow of Uriah V. Lobb, late of Company I, Sixteenth Regiment Wisconsin Volunteer Infantry, $20.

Orlando C. McQueston, late of Company E, Twenty-fifth Regiment Wisconsin Volunteer Infantry, $30.

Thomas J. Chilton, late of Company B, Fifty-fourth Regiment Kentucky Volunteer Infantry, $30.

Mary A. Edgar, widow of George Edgar, late of U. S. S. *Constitution*, United States Navy, $20.

Alice Cole, widow of William H. Cole, late of Company K, Sixteenth Regiment Massachusetts Volunteer Infantry, $20.

Elijah W. Smith, late of United States Marine Corps, $24.

Watson D. Maxwell, late of Company L, Fifth Regiment Tennessee Volunteer Cavalry, $24.

James L. Parham, late of Company A, Eighth Regiment Tennessee Volunteer Infantry, $24.

Conrad I. Plank, late of Company G, Forty-eighth Regiment Indiana Volunteer Infantry, $24.

David G. Bliss, late of Battery F, First Regiment New York Volunteer Light Artillery, $24.

David Wadsworth, late captain Company F, Third Regiment New Hampshire Volunteer Infantry, $36.

Jeannetta Scott, widow of John M. Scott, late of Company A, Ninety-seventh Regiment Ohio Volunteer Infantry, $30.

George F. Falconer, late of Company H, One hundred and twenty-eighth Regiment New York Volunteer Infantry, $30.

James C. Bence, late of Company B, First Battalion Fourteenth Regiment United States Infantry, $30.

William J. Ritchie, late of Company A, Fifth Regiment Connecticut Volunteer Infantry, $24.

James E. Fenner, late of Company F, Eighth Regiment Connecticut Volunteer Infantry, and Battery F, First Regiment United States Artillery, $24.

Ira Trowbridge, late of Company G, Twenty-third Regiment Wisconsin Volunteer Infantry, $36.

Michael Dillon, late of Company A, Forty-fourth Regiment Wisconsin Volunteer Infantry, $30.

Antimus King, widow of John King, late captain Company G, Fifth Regiment Minnesota Volunteer Infantry, $20.

Ira T. Bronson, late first lieutenant Company C, Fifth Regiment New Hampshire Volunteer Infantry, $30.

John E. Bowen, late of U. S. S. *Ohio*, *Bat*, and *Malvern*, United States Navy, $24.

Mary H. Nye, widow of Henry K. Nye, late of Company K, Eleventh Regiment Rhode Island Volunteer Infantry, $16.

J. Murry Warren, late of Twenty-sixth Unattached Company Massachusetts Volunteer Infantry, $24.

Annie E. Dunton, widow of Albert D. B. Dunton, late of Thirteenth Independent Battery Michigan Volunteer Light Artillery, $20.

George C. Snow, late of Company F, Forty-second Regiment Wisconsin Volunteer Infantry, $24.

Edwin R. Bonnell, late of Company K, Fifth Regiment Wisconsin Volunteer Infantry, $24.

Jeremiah C. Gladish, late captain Company G, Eightieth Regiment Indiana Volunteer Infantry, $36.

Frank Westmiller, late of Company D, Second Battalion, Fourteenth Regiment United States Infantry, $30.

Mary J. De Moe, widow of Earl C. De Moe, late first lieutenant Company C, Forty-fourth Regiment Wisconsin Volunteer Infantry, $20.

William R. Keyte, late of Company E, Fiftieth Regiment Illinois Volunteer Infantry, $36.

Enos Wright, late of Company G, Twenty-eighth Regiment Iowa Volunteer Infantry, $30.

James O. Palmer, late of Company D, Twenty-fourth Regiment Michigan Volunteer Infantry, and Company H, Eighteenth Regiment Veteran Reserve Corps, $30.

Owen Thomas, late of Company F, One hundred and seventeenth Regiment New York Volunteer Infantry, $30.

Calvin A. Fisher, late of Company G, Fourth Regiment Vermont Volunteer Infantry, $30.

Mary B. Jenks, widow of George W. Jenks, late captain Company F, Thirty-second Regiment Illinois Volunteer Infantry, $20.

Albert Otto, late of Company I, Twenty-first Regiment Missouri Volunteer Infantry, $24.

Emily J. Swaney, widow of John W. Swaney, late of Company C, Second Regiment Iowa Volunteer Infantry, $20.

Patrick O'Donnell, late of Company E, Ninth Regiment Maryland Volunteer Infantry, $30.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALEXANDER WILKIE.

Mr. WARREN. Mr. President, quite often with pension bills we include bills to correct military records. There are three or four bills of that character on the calendar, to one of which a slight amendment is proposed by the Committee on Military Affairs. I now ask unanimous consent for the present consideration of the bill (S. 9529) for the relief of Alexander Wilkie.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 10, after the date "1864," to insert: "*Provided*, That other than as above set forth no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of this act," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws and of all laws granting relief and privileges to honorably discharged soldiers who served during the Civil War, Alexander Wilkie, formerly second lieutenant Company C, Tenth Regiment Vermont Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said organization to date December 31, 1864: *Provided*, That other than as above set forth no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMANUEL SASSAMAN.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (H. R. 18960) for the relief of Emanuel Sassaman.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers Emanuel Sassaman, who was a private of Company A, Eighth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that company and regiment on the 24th of September, 1865; but, other than as above set forth, no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. NIXON.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (H. R. 22829) for the relief of George W. Nixon.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in the administration of the pension laws George W. Nixon shall hereafter be held and considered to have been honorably discharged from the military service of the United States as first lieutenant of Company D, Second Regiment New Hampshire Volunteer Infantry, on the 1st of October, 1864, but no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. BONINE.

Mr. WARREN. There is one more bill of the same character on the calendar, and I ask unanimous consent that it may be considered at this time. It is the bill (S. 7574) for the relief of John M. Bonine.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in the administration of the laws relating to pensions and to the National Home for Disabled Volunteer Soldiers or any branch thereof John M. Bonine, who was a captain in the First Regiment of Arkansas Cavalry Volunteers, and whose name is borne on the records of that regiment as John Bonine, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that regiment on the 9th of April, 1863; but no pay, bounty, back pension, or other emolument shall become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. NELSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 12 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 12, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 11, 1911.

COLLECTOR OF CUSTOMS.

J. Rice Winchell, of Connecticut, to be collector of customs for the district of New Haven, in the State of Connecticut. (Reappointment.)

POSTMASTERS.

ARIZONA.

Martin A. Crouse to be postmaster at Holbrook, Ariz. Office became presidential January 1, 1911.

ARKANSAS.

Carl O. Freeman to be postmaster at Berryville, Ark., in place of Carl O. Freeman. Incumbent's commission expires January 22, 1911.

Edward Hall to be postmaster at Stuttgart, Ark., in place of Edward Hall. Incumbent's commission expired December 13, 1910.

Oliver A. Hill to be postmaster at Hartford, Ark., in place of James H. Wright, resigned.

S. A. Isaminger to be postmaster at Black Rock, Ark., in place of Arthur Deland, removed.

John L. Smith to be postmaster at Van Buren, Ark., in place of John L. Smith. Incumbent's commission expired December 10, 1910.

W. E. Witter to be postmaster at Des Arc, Ark., in place of George B. Miles, deceased.

CONNECTICUT.

Asa E. S. Bush to be postmaster at Niantic, Conn., in place of Asa E. S. Bush. Incumbent's commission expired January 10, 1911.

James Graham to be postmaster at Taftville, Conn., in place of James Graham. Incumbent's commission expired December 13, 1910.

IDAHO.

Pearl Mitchell to be postmaster at Council, Idaho. Office became presidential January 1, 1911.

ILLINOIS.

Harry M. Martin to be postmaster at Shelbyville, Ill., in place of Harry M. Martin. Incumbent's commission expires January 23, 1911.

Ulysses G. Richardson to be postmaster at St. Joseph, Ill. Office became presidential January 1, 1911.

B. A. Schudel to be postmaster at Macon, Ill. Office became presidential January 1, 1911.

INDIANA.

W. F. Moore to be postmaster at West Baden, Ind., in place of W. F. Moore. Incumbent's commission expires January 18, 1911.

John L. Sharp to be postmaster at Pennville, Ind. Office became presidential October 1, 1910.

Edward L. Throop to be postmaster at Paoli, Ind., in place of Edward L. Throop. Incumbent's commission expires January 12, 1911.

IOWA.

Francis W. Allison to be postmaster at Coggon, Iowa. Office became presidential January 1, 1911.

Philip M. Cloud to be postmaster at Earlville, Iowa. Office became presidential January 1, 1910.

Arthur S. Hazleton to be postmaster at Council Bluffs, Iowa, in place of Arthur S. Hazleton. Incumbent's commission expired June 28, 1910.

William J. Scott to be postmaster at Ida Grove, Iowa, in place of William J. Scott. Incumbent's commission expires January 12, 1911.

Charles H. Smith to be postmaster at Marshalltown, Iowa, in place of Charles H. Smith. Incumbent's commission expired December 18, 1910.

Charles E. Wherry to be postmaster at Churdan, Iowa. Office became presidential January 1, 1910.

William C. Williams to be postmaster at Atlantic, Iowa, in place of William C. Williams. Incumbent's commission expired June 29, 1910.

KANSAS.

George Gilman to be postmaster at Madison, Kans., in place of John Gilman, resigned.

Harry M. Leslie to be postmaster at Robinson, Kans. Office became presidential January 1, 1911.

LOUISIANA.

Paunie Glover to be postmaster at Arcadia, La., in place of Bettie E. Glover, deceased.

MASSACHUSETTS.

Fred H. Torrey to be postmaster at Groton, Mass., in place of Fred H. Torrey. Incumbent's commission expired January 10, 1911.

MICHIGAN.

Arthur R. Babcock to be postmaster at West Branch, Mich., in place of Charles A. Cline, resigned.

James L. Campbell to be postmaster at Barryton, Mich. Office became presidential January 1, 1911.

Grant M. Morse to be postmaster at Portland, Mich., in place of Grant M. Morse. Incumbent's commission expires January 31, 1911.

MINNESOTA.

Peter H. Hanson to be postmaster at Lake Park, Minn., in place of Owen Wangensteen, resigned.

MISSOURI.

Robert K. Megown to be postmaster at Monroe City, Mo., in place of Robert K. Megown. Incumbent's commission expired June 29, 1910.

Taylor Ray to be postmaster at Bosworth, Mo. Office became presidential January 1, 1911.

Max V. Robinson to be postmaster at Fairfax, Mo., in place of Max V. Robinson. Incumbent's commission expired March 14, 1910.

Victor H. Snoddy to be postmaster at Everton, Mo. Office became presidential January 1, 1911.

NEW YORK.

Sidney B. Cloyes to be postmaster at Earlville, N. Y., in place of Sidney B. Cloyes. Incumbent's commission expires January 16, 1911.

OHIO.

Senate A. Pugh to be postmaster at New Washington, Ohio, in place of Tarlington B. Carson. Incumbent's commission expired December 13, 1908.

OKLAHOMA.

O. C. Davis to be postmaster at Tuttle, Okla., in place of James L. Gray, resigned.

OREGON.

William J. Lachner to be postmaster at Baker (late Baker City), Oreg., in place of William J. Lachner (to change name of office).

Fletcher E. Wilcox to be postmaster at Milton, Oreg., in place of Fletcher E. Wilcox. Incumbent's commission expires January 18, 1911.

PENNSYLVANIA.

Charles A. Passmore to be postmaster at Gap, Pa., in place of Charles A. Passmore. Incumbent's commission expires January 22, 1911.

TENNESSEE.

Cary F. Spence to be postmaster at Knoxville, Tenn., in place of James C. Ford, resigned.

WISCONSIN.

Charles P. Brechler to be postmaster at Fennimore, Wis., in place of Charles P. Brechler. Incumbent's commission expired January 10, 1911.

Edward M. Crane to be postmaster at Oshkosh, Wis., in place of Edward M. Crane. Incumbent's commission expires January 23, 1911.

Herman O. E. Diestler to be postmaster at Hortonville, Wis., in place of Herman O. E. Diestler. Incumbent's commission expired December 19, 1910.

Harry C. Hall to be postmaster at Iron River, Wis., in place of Harry C. Hall. Incumbent's commission expired January 10, 1911.

Arline Parkin to be postmaster at Mazomanie, Wis., in place of Sutcliffe Parkin, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 11, 1911.

COLLECTOR OF CUSTOMS.

John B. Whelan to be collector of customs for the district of Detroit, Mich.

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Asst. Surg. Friench Simpson to be passed assistant surgeon.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Third Lieut. of Engineers Hugh Burton Robinson to be second lieutenant of engineers.

Third Lieut. of Engineers Martin Augustus Doyle to be second lieutenant of engineers.

Cadet Charles Eaton Anstett, of Pennsylvania, to be third lieutenant.

Cadet Roy Ackerman Bothwell, of New York, to be third lieutenant.

Cadet Wilfrid Neville Derby, of New Jersey, to be third lieutenant.

Cadet Clarence Henry Dench, of Michigan, to be third lieutenant.

Cadet Wilmer Hake Eberly, of Pennsylvania, to be third lieutenant.

Cadet Henry George Hemingway, of the District of Columbia, to be third lieutenant.

Cadet Charles Frederick Kniskern, of New York, to be third lieutenant.

Cadet Thomas Sylvester Klinger, of the District of Columbia, to be third lieutenant.

Cadet Russell Lord Lucas, of New York, to be third lieutenant.

Cadet Leo Charles Mueller, of Wisconsin, to be third lieutenant.

Cadet Joseph Edward Stika, of Wisconsin, to be third lieutenant.

Cadet Jeremiah Allan Starr, of New York, to be third lieutenant.

Cadet William Kirk Scammell, of the District of Columbia, to be third lieutenant.

Cadet John Merrill Trilck, jr., of Michigan, to be third lieutenant.

Cadet Stephen Safford Yeandle, of Georgia, to be third lieutenant.

Cadet Frederick August Zscheuschler, of Maryland, to be third lieutenant.

Cadet Engineer Francis Clair Allen, of New York, to be third lieutenant of engineers.

Cadet Engineer Milton Rockwood Daniels, of the District of Columbia, to be third lieutenant of engineers.

Cadet Engineer Benjamin Cribby Thorn, of New York, to be third lieutenant of engineers.

RECEIVERS OF PUBLIC MONEYS.

Walter W. Sparks to be receiver of public moneys at Vancouver, Wash.

John W. Bent to be receiver of public moneys at Lamar, Colo.

Charles B. Timberlake to be receiver of public moneys at Sterling, Colo.

REGISTERS OF LAND OFFICE.

Eugene M. Whitaker to be register of the land office at Lamar, Colo.

Ernest E. Fordham to be register of the land office at Glenwood Springs, Colo.

George S. Curtis to be register of the land office at Leadville, Colo.

PROMOTIONS IN THE ARMY.

GENERAL OFFICERS.

Col. Joseph W. Duncan to be brigadier general.
Col. Walter S. Schuyler to be brigadier general.

POSTMASTERS.

ARIZONA.

Ella G. Clarke, Florence.
Frederick W. Smith, Williams.
John Witherlay, Wickenburg.

CALIFORNIA.

John L. Brown, Turlock.
John M. Johnson, Wheatland.
Alva L. Merrill, Kennett.
Henry W. Nash, Stirling City.
Benjamin F. Newby, Dixon.
J. S. Reese, Oilcenter.
Guy S. Turner, Delano.

COLORADO.

Lafayette E. Bradly, Ouray.
Emma C. Burke, Sterling.
Moses E. Lewis, Florence.
Maude E. McLean, Breckenridge.
Walter Spencer, Craig.

CONNECTICUT.

H. Guy Linsley, Branford.
John McGinley, New London.

GEORGIA.

John M. Barnes, Thomson.
Albert S. J. McRae, McRae.

MASSACHUSETTS.

Louis L. Campbell, Northampton.
Charles E. Cook, Uxbridge.
Lorenzo B. Crockett, North Easton.
Lowell A. Jordan, West Upton.
Charles W. Lincoln, Holbrook.
Walter L. Shaw, Palmer.
Carl Wurtzbach, Lee.

MICHIGAN.

John Amesse, Lake Linden.
Robert H. Barnum, Iron River.
James W. Dey, Springport.
E. Jefferson Hall, Marion.
Gordon J. Murray, Michigamme.
Frank E. Shattuck, Sand Lake.

MINNESOTA.

John C. Crabb, Rochester.
Albert J. Factor, Montgomery.
Edward F. Gummer, Frazee.
S. J. Huntley, Spring Valley.
Severin Mattson, Braham.
Ernest P. Le Masurier, Hallock.
Laurence O'Brien, Preston.
Charles A. Pearson, Roseau.
Dolly B. Thompson, Kasota.
Olaves A. Wilson, McIntosh.

MISSOURI.

George E. Melvin, Ridgeway.
William R. Sweeney, Salisbury.
George W. Tappmeyer, Owensville.
James S. Weldon, St. Clair.

NEW JERSEY.

L. W. Cramer, Mays Landing.
Marcus Mitchell, East Orange.

PENNSYLVANIA.

John H. Bishop, Millersville.
William J. Boggs, Ford City.
Roman E. Koehler, Donora.
Samuel R. McMorran, Aspinwall.
William H. Pennell, Duncannon.

RHODE ISLAND.

Warren W. Logee, Pascoag.

VERMONT.

Ernest W. Chase, Rochester.
John L. Lewis, North Troy.
James E. Pollard, Chester.
James H. Viele, Essex Junction.

VIRGINIA.

Harry Libbey, Hampton.

WASHINGTON.

Charles A. Gwinn, Garfield.
Hiram Hammer, Sedro Woolley.
Harvey S. Irwin, Okanogan.
Carl M. Johanson, Newport.

WEST VIRGINIA.

Napoleon B. Arbogast, Durbin.

WISCONSIN.

Joseph D. Cotton, Clintonville.
Fred R. Helmer, Clinton.
Thomas Hill, Spring Green.
James McGinty, Darlington.
Max H. Ninman, Sauk City.
James A. Pritchard, Racine.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 11, 1911.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

LAWS RELATING TO THE JUDICIARY.

Mr. MOON of Pennsylvania. Mr. Speaker, I call up the unfinished business, the bill (H. R. 23377) to codify, revise, and amend the laws relating to the judiciary.

Mr. GILLETT. Mr. Speaker, I raise the question of consideration.

The SPEAKER. The gentleman from Massachusetts raises the question of consideration. The question is, Will the House consider this bill?

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. GILLETT. Division, Mr. Speaker.

Mr. DWIGHT. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors. The Sergeant at Arms will notify absent Members. As many as favor consideration of the bill will, as their names are called, answer "aye;" as many as are opposed will answer "no;" those present and not desiring to vote will answer "present," and the Clerk will call the roll.

The question was taken; and there were—yeas 269, nays 33, answered "present" 5, not voting 80, as follows:

YEAS—269.

Adair	Cox, Ohio	Garner, Pa.	Keifer
Adamson	Craig	Garner, Tex.	Kendall
Alexander, Mo.	Cravens	Garrett	Kennedy, Iowa
Alexander, N. Y.	Crow	Godwin	Kennedy, Ohio
Anderson	Crumpacker	Goldfogle	Kitchin
Ashbrook	Cullop	Gordon	Knowland
Barchfeld	Currier	Goulden	Kopp
Barnard	Dalzell	Graff	Korbly
Barnhart	Davidson	Graham, Ill.	Kronmiller
Bartholdt	Dent	Grant	Küstermann
Bartlett, Ga.	Dickinson	Greene	Lafean
Bates	Diekema	Gregg	Lamb
Beall, Tex.	Dies	Griest	Langham
Bell, Ga.	Dixon, Ind.	Hamer	Langley
Bennet, N. Y.	Dodds	Hamill	Latta
Bennett, Ky.	Douglas	Hamilton	Law
Bingham	Draper	Hamlin	Lawrence
Boehne	Driscoll, D. A.	Hardwick	Lee
Booher	Driscoll, M. E.	Hardy	Legare
Borland	Dupre	Harrison	Lever
Boutell	Dwight	Havens	Lindbergh
Bowers	Edwards, Ga.	Hawley	Lively
Bradley	Ellerbe	Hay	Lloyd
Brantley	Ellis	Heald	Longworth
Burke, Pa.	Elvins	Heflin	Loud
Burleigh	Englebright	Helm	Lowden
Butler	Esch	Henry, Conn.	McCreary
Byrd	Estopinal	Henry, Tex.	McDermott
Byrns	Fairchild	Hobson	McGuire, Okla.
Calder	Fassett	Houston	McHenry
Calderhead	Ferris	Howell, Utah	McKinley, Ill.
Candler	Finley	Howland	McKinney
Cary	Fish	Hughes, Ga.	McLachlan, Cal.
Clark, Fla.	Fitzgerald	Hughes, N. J.	McLaughlin, Mich.
Clark, Mo.	Flood, Va.	Hull, Iowa	Macon
Clayton	Floyd, Ark.	Hull, Tenn.	Madison
Cline	Fordney	Humphrey, Wash.	Maguire, Nebr.
Cocks, N. Y.	Fornes	Humphreys, Miss.	Malby
Collier	Foss	James	Martin, Colo.
Conry	Foster, Ill.	Jamieson	Massey
Cooper, Pa.	Fuller	Johnson, S. C.	Maynard
Covington	Gaines	Jones	Mays
Cowles	Gallagher	Joyce	Miller, Kans.
Cox, Ind.	Gardner, N. J.	Kahn	Mitchell

Moon, Pa.	Pearre	Sherwood	Thomas, Ohio
Moon, Tenn.	Pickett	Simmons	Tilson
Moore, Pa.	Plumley	Sims	Tou Velle
Moore, Tex.	Pratt	Sisson.	Turnbull
Morehead	Prince	Slayden	Underwood
Morgan, Okla.	Pujo	Slemp	Volstead
Morrison	Rainey	Small	Vreeland
Morse	Randell, Tex.	Smith, Iowa	Wallace
Moss	Ransdell, La.	Smith, Mich.	Wanger
Moxley	Rauch	Smith, Tex.	Washburn
Murdock	Reeder	Snapp	Watkins
Murphy	Reynolds	Sparkman	Webb
Needham	Richardson	Sperry	Weeks
Nelson	Roberts	Stafford	Wickliffe
Nicholls	Robinson	Steenerson	Wiley
Norris	Roddenbery	Stephens, Tex.	Willett
Nye	Rodenberg	Sterling	Wilson, Pa.
Oldfield	Rothermel	Sulloway	Wood, N. J.
Olmsted	Rucker, Colo.	Swasey	Woods, Iowa
Padgett	Rucker, Mo.	Talbott	Woodyard
Page	Sabath	Taylor, Colo.	Young, N. Y.
Palmer, A. M.	Shackleford	Taylor, Ohio	
Parsons	Sharp	Thomas, Ky.	
Payne	Sheppard	Thomas, N. C.	

NAYS—33.

Allen	Gardner, Mich.	Hubbard, W. Va.	Scott
Anthony	Gillett	Kinkaid, Nebr.	Sulzer
Austin	Good	McCall	Thistlewood
Burke, S. Dak.	Guernsey	Mann	Townsend
Campbell	Hanna	Martin, S. Dak.	Wilson, Ill.
Cooper, Wis.	Haugen	Miller, Minn.	Young, Mich.
Davis	Hayes	Mondell	
Dawson	Hill	Palmer, H. W.	
Foelker	Hollingsworth	Pray	

ANSWERED "PRESENT"—5.

Burgess	Pou	Riordan	Stanley
Graham, Pa.			

NOT VOTING—80.

Aiken	Dickson, Miss.	Huff	Olcott
Ames	Durey	Hughes, W. Va.	Parker
Andrus	Edwards, Ky.	Johnson, Ky.	Patterson
Ansberry	Focht	Johnson, Ohio	Peters
Barclay	Foster, Vt.	Keliher	Poindexter
Bartlett, Nev.	Fowler	Kinkead, N. J.	Reid
Broussard	Gardner, Mass.	Knapp	Rhinock
Burleson	Gill, Md.	Lenroot	Saunders
Burnett	Gill, Mo.	Lindsay	Sheffield
Cantrill	Gillespie	Livingston	Sherley
Capron	Glass	Loudenslager	Smith, Cal.
Carlin	Goebel	Lundin	Southwick
Carter	Gronna	McCredie	Spight
Cassidy	Hammond	McKinlay, Cal.	Stevens, Minn.
Chapman	Higgins	McMorran	Sturgiss
Cole	Hinshaw	Madden	Tawney
Coudrey	Hitchcock	Millington	Taylor, Ala.
Creager	Howard	Morgan, Mo.	Tener
Denby	Howell, N. J.	Mudd	Weisse
Denver	Hubbard, Iowa	O'Connell	Wheeler

So the House voted to consider the bill.

The following pairs were announced:

For the session:

Mr. ANDRUS with Mr. RIORDAN.

Mr. AMES with Mr. AIKEN.

Until further notice:

Mr. CHAPMAN with Mr. WEISSE.

Mr. DENBY with Mr. DICKSON of Mississippi.

Mr. GOEBEL with Mr. GILL of Maryland.

Mr. MILLINGTON with Mr. LINDSAY.

Mr. HUFF with Mr. CANTRILL.

Mr. KNAPP with Mr. SHERLEY.

Mr. COUDREY with Mr. CARTER.

Mr. SMITH of California with Mr. RHINOCK.

Mr. SOUTHWICK with Mr. SPIGHT.

Mr. STURGISS with Mr. TAYLOR of Alabama.

Mr. MCMORRAN with Mr. DENVER.

Mr. CAPRON with Mr. REID.

Mr. OLCOTT with Mr. GILLESPIE.

Mr. DUREY with Mr. O'CONNELL.

Mr. HOWELL of New Jersey with Mr. BURNETT.

Mr. COLE with Mr. ANSBERRY.

Mr. CREAGER with Mr. BARTLETT of Nevada.

Mr. EDWARDS of Kentucky with Mr. BROUSSARD.

Mr. FOCHT with Mr. BURGESS.

Mr. FOSTER of Vermont with Mr. BURLESON.

Mr. GARDNER of Massachusetts with Mr. GILL of Missouri.

Mr. BARCLAY with Mr. GLASS.

Mr. GRONNA with Mr. HAMMOND.

Mr. HIGGINS with Mr. HITCHCOCK.

Mr. HUBBARD of Iowa with Mr. HOWARD.

Mr. HUGHES of West Virginia with Mr. JOHNSON of Kentucky.

Mr. MUDD with Mr. KELIHER.

Mr. JOHNSON of Ohio with Mr. KINKEAD of New Jersey.

Mr. LOUDENSLAGER with Mr. PATTERSON.

Mr. MADDEN with Mr. PETERS.

Mr. SHEFFIELD with Mr. POU.

Mr. STEVENS of Minnesota with Mr. SAUNDERS.

Mr. TAWNEY with Mr. STANLEY.

Mr. TENER with Mr. LIVINGSTON.

From January 9 until Wednesday night, January 11:

Mr. GRAHAM of Pennsylvania with Mr. CARLIN.

The result of the vote was then announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will open the doors. The ayes have it, and the House votes to consider the bill.

Mr. MANN. I understand the bill is before the House for consideration.

The SPEAKER. It is.

Mr. MANN. Mr. Speaker, I ask to recur to section 78, which was passed over without prejudice, to offer an amendment to strike out, on page 64, all after the word "place," in line 13 in that section.

The SPEAKER. The gentleman from Illinois asks unanimous consent——

Mr. MANN. It is not a matter of unanimous consent; it is a matter of right. It was passed without prejudice.

The SPEAKER. Ordinarily where matters are passed without prejudice they are taken up at the end of the consideration of the bill.

Mr. MANN. It is immaterial to me when it is taken up.

The SPEAKER. The Chair is under the impression that there is a ruling to that effect, but if there is no objection the request of the gentleman from Illinois will be granted.

Mr. MANN. It is immaterial to me. The bill provides that the court at Hammond shall be held in a building to be provided for that purpose by the county or State authorities without expense to the United States. That would require the holding of court in a private building, whereas we have a public building there where the court is now held.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

On page 64, line 13, after the word "place," strike out the following language: "The said court at Hammond shall be held in a building to be provided for that purpose by the county or State authorities without expense to the United States."

Mr. MOON of Pennsylvania. Mr. Speaker, the building has been completed since we reported this bill, and this amendment ought to be adopted.

Mr. MANN. I will say to the gentleman that the building was completed long before this bill was completed or reported.

The amendment was considered and agreed to.

Mr. MACON. Mr. Speaker, I ask to recur to page 53, beginning with line 9, which was passed without prejudice on the same day that the paragraph mentioned by the gentleman from Illinois was passed, for the purpose of permitting me to offer an amendment, which I send to the desk.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to recur to the page and line indicated, for the purpose of offering an amendment. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 53, beginning with line 9, strike out the remainder of that page, and to and including the word "December," in line 1, page 54, and in lieu thereof insert the following: "hundred and ten, in the counties of Lee, Phillips, St. Francis, Cross, Monroe, and Woodruff, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Independence, Cleburne, Stone, Izard, Sharp, and Jackson, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Crittenden, Clay, Craighead, Greene, Mississippi, Poinsett, Fulton, Randolph, and Lawrence, which shall constitute the Jonesboro division of said district; and also the territory embraced on the date last mentioned in the counties of Arkansas, Ashley, Bradley, Chicot, Clark, Cleveland, Conway, Dallas, Desha, Drew, Faulkner, Garland, Grant, Hot Spring, Jefferson, Lincoln, Lonoke, Montgomery, Perry, Pope, Prairie, Pulaski, Saline, Van Buren, and White, which shall constitute the western division of said district. Terms of the district court for the eastern division shall be held at Helena on the second Monday in March and the first Monday in October; for the northern division, at Batesville, on the fourth Monday in May and the second Monday in December; for the Jonesboro division, at Jonesboro, on the second Mondays in May and November."

On page 54, in line 5, after the word "Helena," insert the words "at Jonesboro."

Mr. MACON. Mr. Speaker, the amendments I offer are in conformity with the request of those interested, and the committee has no objection.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The Clerk read as follows:

SEC. 82. The State of Louisiana is divided into two judicial districts, to be known as the eastern and western districts of Louisiana. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the parishes of Assumption, Iberia, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Terrebonne, and Washington, which shall constitute the New Orleans division; also the ter-

ritory embraced on the date last mentioned in the parishes of Ascension, East Baton Rouge, East Feliciana, Livingston, Pointe Coupee, St. Helena, West Baton Rouge, Iberville, and West Feliciana, which shall constitute the Baton Rouge division of said district. Terms of the district court for the New Orleans division shall be held at New Orleans on the third Mondays in February, May, and November; and for the Baton Rouge division at Baton Rouge on the second Mondays in April and November. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at New Orleans and at Baton Rouge, which shall be kept open at all times for the transaction of the business of the court. The western district shall include the territory embraced on the 1st day of July, 1910, in the parishes of St. Landry, Evangeline, St. Martin, Lafayette, and Vermilion, which shall constitute the Opelousas division of said district; also the territory embraced on the date last mentioned in the parishes of Rapides, Avoyelles, Catahoula, La Salle, Grant, and Winn, which shall constitute the Alexandria division of said district; also the territory embraced on the said date last mentioned in the parishes of Caddo, De Soto, Rossier, Webster, Claiborne, Bienville, Natchitoches, Sabine, and Red River, which shall constitute the Shreveport division of said district; also the territory embraced on the date last mentioned in the parishes of Ouachita, Franklin, Richland, Morehouse, East Carroll, West Carroll, Madison, Tensas, Concordia, Union, Caldwell, Jackson, and Lincoln, which shall constitute the Monroe division of said district; also the territory embraced on the date last mentioned in the parishes of Acadia, Calcasieu, Cameron, and Vernon, which shall constitute the Lake Charles division of said district. Terms of the district court for the Opelousas division shall be held at Opelousas on the first Mondays in January and June; for the Alexandria division, at Alexandria on the fourth Mondays in January and June; for the Shreveport division, at Shreveport on the third Mondays in February and October; for the Monroe division, at Monroe on the first Mondays in April and October; and for the Lake Charles division, at Lake Charles on the third Mondays in May and December: *Provided*, That suitable rooms and accommodations are furnished for holding said court at Lake Charles free of expense to the United States. The Clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Opelousas, at Alexandria, at Shreveport, at Monroe, and at Lake Charles, which shall be kept open at all times for the transaction of the business of the court.

Mr. MOON of Pennsylvania. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At page 73, line 25, beginning with the word *"Provided,"* strike out line 25, and lines 1 and 2, on page 74, down to and including the words "United States."

Mr. MOON of Pennsylvania. Mr. Speaker, this is a provision for rooms and accommodations that were necessary at the time, but a public building having been completed there, this provision out to go out of the bill.

Mr. PUJO. The effect of that provision is to allow the law to be enforced with a proviso, in so far as pages 73 and 74 are concerned.

Mr. MOON of Pennsylvania. It only strikes out the necessity for providing a court room, because I understand a public building has been completed.

Mr. PUJO. It is not yet completed, but will soon be.

Mr. MOON of Pennsylvania. Yes; will be before this becomes law.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 88. The State of Mississippi is divided into two judicial districts, to be known as the northern and southern districts of Mississippi. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alcorn, Attala, Chickasaw, Choctaw, Clay, Itawamba, Lee, Lowndes, Monroe, Oktibbeha, Pontotoc, Prentiss, Tishomingo, and Winston, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Coahoma, Calhoun, Carrol, De Soto, Grenada, Lafayette, Marshall, Montgomery, Panola, Quitman, Tallahatchie, Tate, Tippah, Tunica, Union, Webster, and Yalobusha, which shall constitute the western division of said district. Terms of the district court for the eastern division shall be held at Aberdeen on the first Mondays in April and October, and for the western division at Oxford on the first Mondays in June and December. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Adams, Amite, Copiah, Covington, Franklin, Hinds, Holmes, Jefferson, Jefferson Davis, Lawrence, Lincoln, Leflore, Madison, Pike, Rankin, Simpson, Smith, Scott, Wilkinson, and Yazoo, which shall constitute the Jackson division; also the territory embraced on the date last mentioned in the counties of Bolivar, Claiborne, Issaquena, Sharkey, Sunflower, Warren, and Washington, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Clarke, Jones, Jasper, Kemper, Lauderdale, Leake, Neshoba, Newton, Noxubee, and Wayne, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of Forrest, Greene, Hancock, Harrison, Jackson, Lamar, Marion, Perry, and Pearl River, which constitutes the southern division of said district. Terms of the district court for the Jackson division shall be held at Jackson on the first Mondays in May and November; for the western division, at Vicksburg on the first Mondays in January and July; for the eastern division, at Meridian on the second Mondays in March and September; and for the southern division, at Biloxi on the third Mondays in February and August. The clerk of the court for each district shall maintain an office in charge of himself or a deputy at each place in his district at which court is now required to be held, at which he shall not himself reside, which shall be kept open at all times for the transaction of the business of the court. The marshal for each of said districts shall maintain an office in charge of himself or a deputy at each place of holding court in his district.

Mr. MANN. Mr. Speaker, I move to strike out the last word, for the purpose of getting some information from the chairman of the committee in reference to the pay of the clerks and the marshals and their deputies. I notice each of these provisions with reference to a division for the different courts provides for a deputy clerk and a deputy marshal at those places where the clerk and the marshal do not reside. How are those clerks paid now—out of a salary or by a fee system?

Mr. MOON of Pennsylvania. By fees that are fixed by the Attorney General under a general provision of the law; that is, the amounts are.

Mr. MANN. Does the gentleman mean that the Attorney General fixes the fee of the clerk or the fees that are to be paid for the filing of papers?

Mr. MOON of Pennsylvania. He fixes the salaries to be paid to the deputies, which are paid out of the fees that come into the office.

Mr. MANN. Has the gentleman or the committee in considering this provision of the bill considered the desirability of dispensing with the fee system and adopting a modern salary system?

Mr. MOON of Pennsylvania. The provision respecting the fees of the clerk is not carried in this bill. The present law is that they receive a salary out of the fees. That is, there is a limit, in other words, fixed to the amount that they can receive out of the fees. This particular question has not yet been reported and has not been seriously considered by the committee. From experience in my own State, I am against the fee system and in favor of salaries, but that is not carried in this bill.

Mr. MANN. No; I know it is not; but it might be. It provides for a great many of these clerks. How many different places will there be at which court is held, under the terms of this bill, in the United States?

Mr. MOON of Pennsylvania. Two hundred and seventy-six, I think.

Mr. MANN. Of course that provides for a clerk at each place?

Mr. MOON of Pennsylvania. No; not absolutely.

Mr. MANN. A clerk or a deputy.

Mr. MOON of Pennsylvania. There are some places where court is held where there is no provision for a clerk. The records are carried from the headquarters of a division to the particular place of holding court.

Mr. MANN. Of course the gentleman is more familiar with that than I am, although I thought I had noticed at the end of each section of this bill where divisions of court were provided this provision:

The clerk of the court for each district shall maintain an office in charge of himself or a deputy at each place in his district in which court is now required to be held at which he shall not himself reside, which shall be kept open at all times for the transaction of the business of the court.

Of course that would require the keeping of a separate clerk's office.

Mr. MOON of Pennsylvania. Wherever it is so provided. Now, I want to make this statement in connection with the inquiry of the gentleman: It was the purpose of this committee wherever it was possible to strike such provisions out to do so and to permit general law to apply; but there were in certain States certain divisions and certain districts where these provisions were carried in the existing law and we did not have sufficient information to warrant us in striking them out. Members of Congress at the time had gone before the committee and had come before Congress and, I suppose, presented some peculiar facts that made that provision necessary, but we have not carried it in all the divisions, only in divisions where it existed under the law that we have carried it.

Mr. RUCKER of Missouri. In the very next section the gentleman will discover that clerks are required to have a deputy in certain places in Missouri, but there are four places where the Federal court is held where there is no clerk—Joplin, Hannibal, Rolla, and Chillicothe.

Mr. MOON of Pennsylvania. There are a great many of them.

Mr. MANN. The gentleman says there are a great number of them. It is a very problematical proposition. The gentleman says there are 276 places throughout the United States. Now, are there 16 out of that number who do not maintain a clerk?

Mr. MOON of Pennsylvania. Well, I should be obliged to hazard a guess, and I should hazard a guess of 65.

Mr. MANN. In view of the fact that there are four in Missouri, I think the gentleman from Missouri will offer an amendment to establish a clerk's office at Chillicothe.

Mr. RUCKER of Missouri. I had it in mind to do that, and that is why I called attention to it.

[By unanimous consent the time of Mr. MANN was extended five minutes.]

Mr. MANN. Can the gentleman give any idea what the expense of one of these clerk's offices is, at a division perhaps where three or four cases are tried in the course of a year, possibly not that many?

Mr. MOON of Pennsylvania. I can not give the gentleman any information upon that subject. I suppose there is not any doubt that there are provisions for clerks in existing law for which we are not responsible, where the offices do not begin to *compensate* the expense of maintaining the clerk's office or the marshal's, either. Now, I do not know that to be true, but in view of the fact Congress had authorized that, at the instance of the Member of Congress from that State, based upon some local facts that existed there at that time, the committee, not having the information, thought they were not warranted in striking it out and carried it in the bill.

Mr. MANN. The gentleman referred to the fact of this being instituted by the Member of Congress. I take it that the Member of Congress from a district has no special interest in the subject at all, and usually does not himself put the matter in motion on questions of holding court in his district. It may be introduced and pressed by him in the House, but he is not charged with the proposition at all, nor does he fix for himself the policy of the Government in respect to it. Now, the gentleman says he does not know the expense of these offices; I do not know either, but we have recently had a number of recommendations, including the last President's message, to do away with a great many collectors of customs because they do not collect as much as the salary amounted to.

Mr. COX of Indiana. Have any been done away with?

Mr. MANN. No; but this matter is before this House at this time; that matter is not before this House at this time. The House now has the power, if it wants to, to correct a thing of this kind; whether it ought to is probably another thing, but if there be a reason for abolishing collectors of customs because the amount of fees or duties which are collected do not equal the man's salary, then there may be reason for not creating or for abolishing a deputy clerk where the fees of the office probably are not enough to pay for the fuel that he burns in his office.

Mr. RUCKER of Missouri. But he would not serve if he is not getting a fair remuneration.

Mr. MANN. Oh, but he may serve just the same. The fees in that office do not amount to anything. He gets his fees out of the pay of the clerk.

Mr. COX of Indiana. How much does he get?

Mr. MANN. That is what I have been trying to ascertain.

Mr. NORRIS. I would like to suggest to the gentleman that I think in most of the cases he is mentioning the deputy clerk is as a rule the clerk of the court of the State where he lives, and his fees as deputy clerk for the United States court are very small. He is not paid much money.

Mr. MANN. Of course, that would be a very sensible course to pursue.

Mr. NORRIS. As far as I am familiar with it, that is the universal rule. I do not believe there is an exception to it in my own State. There may be, but those cases I know about are no exception to it. While I do not know what they get, I know it is a very small item. There are places, I want to say to the gentleman, especially in the more sparsely settled parts of the country, where provisions are made by law for the holding of terms of court, where, if you consider it only and entirely on the amount of business that is done at those particular places, it perhaps would not be justifiable; but I think the Congress has had in view the idea that they wanted to prevent what I know from my own observation has often occurred, namely, the making it necessary for litigants, particularly in the United States courts, to travel great distances. And if the clerk and the judge of the court are careful about the selection of deputies, they can always get the clerk of the court of the State to act as United States court deputy clerk, with the payment of a very little amount of money.

Mr. MANN. Of course, that might be, but that is the very question. Is that the way it is done, or are these numerous clerks political appointees for the benefit of the Member of Congress who has the places created?

Mr. NORRIS. I want to say to the gentleman that in that part of the country with which I am familiar it is done in the way that I have mentioned, and the deputy marshals are selected in the same way.

Mr. MANN. Does the gentleman control the appointments in his district?

Mr. NORRIS. No. I would not say that I have not been consulted.

Mr. MANN. I think the gentleman ought to be consulted.

Mr. NORRIS. It may be that I have been, but I do not remember about it. It is something that nobody cared much for. There was no clamor for these places, because there was not enough in it, and the only men who could take them would be the clerks or men who had other positions out of which they could really make their living.

Mr. COX of Indiana. I want to say to the gentleman from Illinois [Mr. MANN] that I hope the gentleman from Nebraska [Mr. NORRIS] will be put in a position where he can make these appointments, and he will be, especially if the newspapers can be depended upon.

Mr. MANN. I will say this, that the gentleman will be very effective in that position, in my judgment.

The Clerk read as follows:

SEC. 89. The State of Missouri is divided into two judicial districts, to be known as the eastern and western districts of Missouri. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the city of St. Louis and the counties of Audrain, Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Montgomery, Phelps, St. Charles, St. Francois, Ste. Genevieve, St. Louis, Warren, and Washington, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Adair, Chariton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Pike, Ralls, Randolph, Schuyler, Scotland, and Shelby, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Reynolds, Ripley, Scott, Shannon, Stoddard, and Wayne, which shall constitute the southeastern division of said district. Terms of the district court for the eastern division shall be held at St. Louis on the first Mondays in May and November; for the northern division, at Hannibal on the fourth Monday in May and the first Monday in December; and for the southeastern division, at Cape Girardeau on the second Mondays in April and October. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bates, Caldwell, Carroll, Cass, Clay, Grundy, Henry, Jackson, Johnson, Lafayette, Livingston, Mercer, Putnam, Ray, St. Clair, Saline, and Sullivan, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Barton, Barry, Jasper, Lawrence, McDonald, Newton, Stone, and Vernon, which shall constitute the southwestern division; also the territory embraced on the date last mentioned in the counties of Andrew, Atchison, Buchanan, Clinton, Daviess, Dekalb, Gentry, Holt, Harrison, Nodaway, Platte, and Worth, which shall constitute the St. Joseph division; also the territory embraced on the date last mentioned in the counties of Benton, Boone, Callaway, Cooper, Camden, Cole, Hickory, Howard, Maries, Miller, Moniteau, Morgan, Osage, and Pettis, which shall constitute the central division; also the territory embraced on the date last mentioned in the counties of Christian, Cedar, Dade, Dallas, Douglas, Greene, Howell, Laclede, Ozark, Polk, Pulaski, Taney, Texas, Webster, and Wright, which constitutes the southern division. Terms of the district court for the western division shall be held at Kansas City on the fourth Monday in April and first Monday in November; for the southwestern division, at Joplin on the second Mondays in June and January; for the St. Joseph division, at St. Joseph on the first Monday in March and third Monday in September; for the central division, at Jefferson City on the third Mondays in March and October; and for the southern division, at Springfield on the first Mondays in April and October.

The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Kansas City, at Jefferson City, at St. Joseph, and at Springfield, which shall be kept open at all times for the transaction of the business of the court. The marshal for each district shall also maintain an office in charge of himself or a deputy at each place of holding court in his district.

Mr. MOON of Pennsylvania. Mr. Speaker, I move the following amendment, which I send to the Clerk's desk.

The SPEAKER pro tempore (Mr. OLMSTED). The gentleman from Pennsylvania offers amendments, which the Clerk will report.

The Clerk read as follows:

On page 81, section 89, in line 23, strike out the word "Oregon" and insert it before the word "Ozark," on page 83, in line 2.

On page 82, in line 3, after the word "November," insert the words "and at Rolla on the fourth Monday in January: *Provided*, That suitable rooms and accommodations for holding court at Rolla are furnished free of expense to the United States."

On page 83, in line 6, after the word "November," insert the words "and at Chillicothe on the fourth Monday in May and the first Monday in December: *Provided*, That suitable rooms and accommodations for holding court at Chillicothe are furnished free of expense to the United States."

Mr. MOON of Pennsylvania. Mr. Speaker, this is an act passed since the report on this bill, and it meets simply the existing law.

The SPEAKER pro tempore. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

Mr. RUCKER of Missouri. Mr. Speaker, I desire to offer the following amendment:

On page 83, line 15, after the words "St. Joseph," amend by inserting "at Chillicothe."

The Clerk read as follows:

Page 83, line 15, after "St. Joseph," insert "at Chillicothe."

The SPEAKER pro tempore. The question is on the amendment.

Mr. MANN. Mr. Speaker, why this creation of another useless office? The gentleman himself admitted he did not have the power to make the appointment.

Mr. RUCKER of Missouri. I have not; and I have not been prompted by any act of mine to endeavor to get that power, and do not expect to get the power of the appointment of one until 1912. I make this motion, Mr. Speaker, because there is no deputy clerk's office there. It is approximately 150 miles from the nearest office, and I think there ought to be an office kept there and kept open. I make the motion in good faith.

Mr. MOON of Pennsylvania. I want to say to the gentleman that there is a provision that we have carried in the bill that wherever that condition exists the judge himself may designate a particular place where a deputy clerk shall reside and keep an office. We carry that in the general law and left it in this bill. The judge determines if the business of the district or division is sufficient, and then he can authorize the keeping of a deputy clerk and keeping an office at a particular place. That is carried in the existing law.

Mr. RUCKER of Missouri. There are three offices where no deputy clerk is provided, or four, at least, and with all the others that have been authorized it seems to me that there ought to be three in the State of Missouri.

Mr. NORRIS. I did not get the amendment.

Mr. RUCKER of Missouri. The amendment I offered was, on line 15, page 83, after the words "St. Joseph," insert "at Chillicothe." The effect of the amendment will simply be to provide a deputy clerk an office there.

Mr. NORRIS. Is that place provided for a session of the court?

Mr. RUCKER of Missouri. The court has been established there.

Mr. MOON of Pennsylvania. The section to which I want to call attention provides that the district judge may designate a clerk to reside and maintain an office at such place of holding a court as the judge may determine.

Mr. RUCKER of Missouri. In answer to the gentleman, I want to suggest if you will strike out these other cities in Missouri—Kansas City, Jefferson, St. Joseph, and Springfield—then I take it under that provision of section 4 the judge would designate certain places for clerks and deputies to reside; but as Congress sees fit to name four, and exclude others, it would be taken in the nature of a direction to the court, I fear. Therefore I ask that the amendment be adopted.

Mr. MANN. May I ask the gentleman, Where is the provision in the section for holding a court at Chillicothe?

Mr. RUCKER of Missouri. That was placed in the bill a moment ago by an amendment. The general law was passed during last year.

Mr. MOON of Pennsylvania. The gentleman holds it is necessary from his knowledge of the business of that division?

Mr. RUCKER of Missouri. I say it is at least desirable.

Mr. MOON of Pennsylvania. I trust the gentleman would not want to put it in for any other reason.

Mr. MANN. The gentleman would not want to put it in for any other reason.

Mr. RUCKER of Missouri. I leave the gentleman from Illinois to answer that question.

The question was taken, and the amendment was agreed to.

Mr. THOMAS of Kentucky. Mr. Speaker, the last time this bill was up for consideration section 81 was passed.

The SPEAKER pro tempore. Does the gentleman make any motion?

Mr. THOMAS of Kentucky. I move to strike out the last word. The last time this bill was up for consideration section 81 was passed for amendment, and I desire now to go back to that section and offer an amendment to it, which I will send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent to recur to page 70 for the purpose of offering an amendment, which the Clerk will report.

The Clerk read as follows:

Page 70, line 19, strike out the word "Todd;" line 20, strike out the words "Logan, Butler;" and after the word "division," in line 22, page 70, insert the words "counties of Logan, Butler, and Todd shall be in the Bowling Green division, and shall constitute a part of Bowling Green district."

The SPEAKER pro tempore. Is there objection to recurring to the paragraph for the purpose indicated? [After a pause.] The Chair hears no objection. The gentleman from Kentucky offers the amendment which the Clerk has reported.

Mr. THOMAS of Kentucky. Mr. Speaker, this bill as it now stands places Logan, Todd, and Butler Counties in the Owensboro division. These three counties are near Warren County, in which Bowling Green is situated, and they ought to be in that division.

Mr. MANN. Will the gentleman yield for a question?

Mr. THOMAS of Kentucky. Yes, sir.

Mr. MANN. I understand this section is divided, and certain counties constitute the Bowling Green division?

Mr. THOMAS of Kentucky. Yes, sir.

Mr. MANN. And several counties constitute whatever the other division is called that these three counties are now in?

Mr. THOMAS of Kentucky. They do.

Mr. MANN. Would it not be proper to strike them out of that other division and insert them in the Bowling Green division?

Mr. THOMAS of Kentucky. That is my amendment.

Mr. MANN. Oh, no; you say that they shall constitute a part of the Bowling Green division. Now, is there a Bowling Green division?

Mr. THOMAS of Kentucky. Yes, sir; as I understand, there is a Bowling Green division.

Mr. MANN. Then, if there be a Bowling Green division, strike the names of the counties out of that other division and insert the names in the Bowling Green division.

Mr. THOMAS of Kentucky. That is what I have done.

Mr. MANN. No; that is what the gentleman has not done.

Mr. THOMAS of Kentucky. That is what I intended to do.

Mr. MANN. This Bowling Green division—where is it in the bill?

Mr. THOMAS of Kentucky. It is in section 81.

Mr. MANN. Is not this the situation, that all of the counties of the State are in the Bowling Green division, except those enumerated in some other division?

Mr. THOMAS of Kentucky. Not all the counties in the State.

Mr. MANN. But all the counties in the western part of the State?

Mr. THOMAS of Kentucky. Yes; all the counties in the western part of the State.

Mr. MANN. Then all that the gentleman has to do is to strike them out here and they would go into the other division.

Mr. MOON of Pennsylvania. Then they would go to the other.

Mr. MANN. Then they would belong to the other.

Mr. THOMAS of Kentucky. I want those three counties to go to Bowling Green. They are right adjacent to it.

Mr. MANN. Where is the part of the bill that creates the Bowling Green division?

Mr. MOON of Pennsylvania. There is no Bowling Green division. We want to create it.

Mr. THOMAS of Kentucky. I will move to amend by striking out those three counties—Logan, Todd, and Butler—striking out of line 19 the word "Todd" and out of line 20 the words "Logan" and "Butler."

Mr. MOON of Pennsylvania. I understand the gentleman now amends his amendment.

Mr. THOMAS of Kentucky. Yes; in the way I have just indicated.

The SPEAKER pro tempore. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 70, line 19, strike out "Todd;" line 20, strike out "Logan" and "Butler."

Mr. JAMES. What will be the effect of the amendment?

Mr. THOMAS of Kentucky. That will put them into the Bowling Green district.

Mr. JAMES. They ought to go there. They are right adjoining it.

Mr. THOMAS of Kentucky. From Butler County you have to go through Bowling Green to get to Owensboro.

The question being taken, the amendment was agreed to.

The Clerk read as follows:

SEC. 91. The State of Nebraska shall constitute one judicial district, to be known as the district of Nebraska. Said district is divided into eight divisions. The territory embraced on the 1st day of July, 1910, in the counties of Douglas, Sarpy, Washington, Dodge, Colfax, Platte, Nance, Boone, Wheeler, Burt, Thurston, Dakota, Cuming, Cedar, and Dixon shall constitute the Omaha division; the territory embraced on the date last mentioned in the counties of Madison, Antelope, Knox, Pierce, Stanton, Wayne, Holt, Boyd, Rock, Brown, and Keya Paha shall constitute the Norfolk division; the territory embraced on the date last mentioned in the counties of Cherry, Sheridan, Dawes, Box Butte, and Sioux shall constitute the Chadron division; the territory embraced on the date last mentioned in the counties of Hall, Merrick, Howard, Greeley, Garfield, Valley, Sherman, Buffalo, Custer, Loup, Blaine, Thomas, Hooker, and Grant shall constitute the Grand Island division; the territory embraced on the date last mentioned in the counties of Lincoln, Dawson, Logan, McPherson, Keith, Deuel, Morrill, Cheyenne, Kimball, Banner, and Scotts Bluff shall constitute the North Platte division; the territory embraced on the date last mentioned in the counties of Cass, Otoe, Johnson, Nemaha, Pawnee, Richardson, Gage, Lancaster, Saunders, Butler, Seward, Saline, Jefferson, Thayer, Fillmore, York, Polk, and Hamilton shall constitute the Lincoln division; the territory embraced on the date last mentioned in the counties of Clay, Nuckolls, Webster, Adams, Kearney, Franklin, Harlan, and Phelps shall constitute the Hastings division; and the territory embraced on the date last mentioned in the counties of Gos-

per, Furnas, Red Willow, Frontier, Hayes, Hitchcock, Dundy, Chase, and Perkins shall constitute the McCook division. Terms of the district court for the Omaha division shall be held at Omaha on the first Monday in April and the fourth Monday in September; for the Norfolk division, at Norfolk on the third Monday in September; for the Chadron division, at Chadron on the second Monday in September; for the Grand Island division, at Grand Island on the second Monday in January; for the North Platte division, at North Platte on the first Monday in January; for the Lincoln division, at Lincoln on the second Monday in May and the fourth Monday in October; for the Hastings division, at Hastings on the second Monday in March; and for the McCook division, at McCook on the first Monday in March: *Provided*, That where provision is made herein for holding court at places where there are no Federal buildings, a suitable room in which to hold court, together with light and heat, shall be provided by the city or county where such court is held, without any expense to the United States. The clerk of the court shall appoint a deputy for each division of the district in which he does not himself reside, who shall keep his office and reside at the place of holding court in the division for which he is appointed.

Mr. MOON of Pennsylvania. I move to amend by inserting in line 2, on page 85, after the word "Deuel," the word "Garden."

Since the reporting of the bill the new county of Garden has been created out of the county of Deuel.

The SPEAKER pro tempore. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 85, line 2, after "Deuel," insert "Garden."

Mr. NORRIS. I have no objection to the amendment; but I would suggest to the gentleman that that is unnecessary, because this is a new county, created out of one of the others named there.

Mr. MOON of Pennsylvania. That is true.

Mr. NORRIS. If the gentleman will notice the reading of the law itself, it is peculiarly worded. It refers to the territory covering the counties embraced on the 1st of July, 1909.

Mr. MANN. That might not cover it now.

Mr. MOON of Pennsylvania. We have changed that to 1910, and as I understand that might not cover it, this amendment has been recommended.

Mr. NORRIS. Then the change ought to be made.

Mr. MOON of Pennsylvania. In addition to that, I move to amend, in line 22, page 85, at the end of the line, by striking out the word "first" and inserting the word "second." In line 23 strike out "January" and insert "June." In line 24 strike out "fourth" and insert "first." These changes in the time of holding court have been made by an act of Congress passed since then.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 85, line 22, at the end of the line, strike out the word "first" and insert "second."
Line 23, strike out "January" and insert "June."
Line 24, strike out "fourth" and insert "first."

Mr. NORRIS. Is the gentleman sure about those changes?

Mr. MOON of Pennsylvania. Yes.

Mr. NORRIS. As I recall it, the changes that we made in regard to the court at Lincoln were different from that.

Mr. MOON of Pennsylvania. We went over it very carefully.

Mr. NORRIS. If the gentleman is satisfied that that is correct, then the amendment ought to be agreed to.

The amendments were agreed to.

The Clerk read as follows:

SEC. 94. The State of New Jersey shall constitute one judicial district, to be known as the district of New Jersey. Terms of the district court shall be held at Trenton on the third Tuesdays in January, April, June, and September. At each term of the district court it shall be lawful for the judge holding such term, on consent of both parties, on application therefor and good cause shown by either party to any civil cause set for trial or hearing at said term, to order such cause to be held or tried at the city of Newark, in said district, upon the day set for that purpose by said judge: *Provided*, That such application shall be made to said judge, either in vacation or term time, at least one week before the date set for trial of said cause, and on at least five days' notice to the opposite party or his or her attorney; and writs of subpœna to compel the attendance of witnesses at said city of Newark may issue, and jurors summoned to attend said term may be ordered by said judge to be in attendance upon said court in the city of Newark.

Mr. MOON of Pennsylvania. Mr. Speaker, the gentleman from New Jersey [Mr. PARKER], who is not here this morning, made a suggestion which I think ought to be considered, and that is by inserting at the beginning of line 3, page 87, the word "or." The provision here is that at each term of the district court it shall be lawful for the judge holding such term, on consent of both parties, to do certain things. It is evidently the intention that there should be an alternative. It should read "or on application therefor and good cause shown."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 87, at the beginning of line 3, insert the word "or," so as to read "or on application therefor."

The amendment was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 20132. An act for the relief of Emil Haberer;

H. R. 26583. An act to authorize the city of Drayton, N. Dak., to construct a bridge across the Red River of the North;

H. R. 971. An act for the relief of Joseph R. Reichardt;

H. R. 16990. An act for the relief of George J. Diller; and

H. R. 6075. An act for the relief of Amos Hershey.

LAWS RELATING TO THE JUDICIARY.

The Clerk read as follows:

SEC. 95. The State of New York is divided into four judicial districts, to be known as the northern, eastern, southern, and western districts of New York. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Albany, Broome, Cayuga, Chenango, Clinton, Cortland, Delaware, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Oneida, Onondaga, Oswego, Otsego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Tioga, Tompkins, Warren, and Washington, with the waters thereof. Terms of the district court for said district shall be held at Albany on the second Tuesday in February; at Utica on the first Tuesday in December; at Binghamton on the second Tuesday in June; at Auburn on the first Tuesday in October; at Syracuse on the first Tuesday in April; and, in the discretion of the judge of the court, one term anually at such time and place within the counties of Saratoga, Onondaga, St. Lawrence, Clinton, Jefferson, Oswego, and Franklin as he may from time to time appoint. Such appointment shall be made by notice of at least 20 days published in a newspaper published at the place where said court is to be held. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Richmond, Kings, Queens, Nassau, and Suffolk, with the waters thereof. Terms of the district court for said district shall be held at Brooklyn on the first Wednesday in every month. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Columbia, Dutchess, Greene, New York, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester, with the waters thereof. Terms of the district court for said district shall be held at New York City on the first Tuesday in each month. The district courts of the southern and eastern districts shall have concurrent jurisdiction over the waters within the counties of New York, Kings, Queens, Nassau, Richmond, and Suffolk, and over all seizures made and all matters done in such waters; all processes or orders issued within either of said courts or by any judge thereof shall run and be executed in any part of said waters. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, Wyoming, and Yates, with the waters thereof. Terms of the district court for said district shall be held at Elmira on the second Tuesday in January; at Buffalo on the second Tuesdays in March and November; at Rochester on the second Tuesday in May; at Jamestown on the second Tuesday in July; at Lockport on the second Tuesday in October; and at Canandaigua on the second Tuesday in September. The regular sessions of the district court for the western district for the hearing of motions and for proceedings in bankruptcy and the trial of causes in admiralty, shall be held at Buffalo at least two weeks in each month of the year, except August, unless the business is sooner disposed of. The times for holding the same and such other special sessions as the court shall deem necessary shall be fixed by rules of the court. All process in admiralty causes and procedings shall be made returnable at Buffalo. The judge of any district in the State of New York may perform the duties of the judge of any other district in such State upon the request of the resident judge entered in the minutes of his court; and in such cases said judges, respectively, shall have the same powers as are vested in the resident judge.

Mr. MANN. Mr. Speaker, I move to strike out the last word. This language is—

The judge of any district in the State of New York shall perform the duties of the judge of any other district in such State upon the request of the resident judge.

It is in the singular number, although it might embrace more than one judge, and then it says—

and in such case said judges, respectively, shall have the same powers as are vested in the resident judge.

I would like to ask the gentleman from New York if the words "said judges" refer to more than one judge called in?

Mr. PARSONS. They refer to the judges of the three districts. There are four districts in the State of New York. I think it would be more grammatical if the word "judges," at the end of line 3, should read "judge."

Mr. GARRETT. Does not the word "respectively" cure that?

Mr. PARSONS. Oh, it is intelligible as it is now, but I think the suggestion of the gentleman from Illinois is a good one.

Mr. MANN. Where you use the singular in one place, it is better to use the singular in the other.

Mr. GARRETT. If you use the word judge in the singular you want to strike out the word "respectively."

Mr. MANN. Of course. Mr. Speaker, I move to amend, on page 90, by striking out, in lines 3 and 4, the words "judges, respectively," and insert in lieu thereof the word "judge."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 90, lines 3 and 4, strike out the words "said judges, respectively," and insert in place thereof the words "said judge."

The amendment was agreed to.

SENATE BILL AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6702. An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 131. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point two Chinese subjects, to be designated hereafter by the Government of China; to the Committee on Military Affairs.

S. J. Res. 133. Joint resolution providing for the filling of a vacancy, to occur on January 23, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress; to the Committee on the Library.

LAWS RELATING TO THE JUDICIARY.

The Clerk read as follows:

SEC. 96. The State of North Carolina is divided into two districts, to be known as the eastern and western districts of North Carolina. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Beaufort, Bertie, Bladen, Brunswick, Camden, Chatham, Cumberland, Currituck, Craven, Columbus, Chowan, Carteret, Dare, Duplin, Durham, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Harnett, Hertford, Hyde, Johnston, Jones, Lenoir, Lee, Martin, Moore, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Robeson, Richmond, Sampson, Scotland, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson. Terms of the district court for the eastern district shall be held at Elizabeth City on the second Mondays in April and October; at Washington on the third Mondays in April and October; at Newbern on the fourth Mondays in April and October; at Wilmington on the second Monday after the fourth Mondays in April and October; and at Raleigh on the fourth Monday after the fourth Mondays in April and October: *Provided*, That the city of Washington shall provide and furnish at its own expense a suitable and convenient place for holding the district court at Washington. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Raleigh, at Wilmington, at Newbern, at Elizabeth City, and at Washington, which shall be kept open at all times for the transaction of the business of the court. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alamance, Alexander, Ashe, Alleghany, Anson, Buncombe, Burke, Caswell, Cabarrus, Catawba, Cleveland, Caldwell, Clay, Cherokee, Davidson, Davie, Forsyth, Guilford, Gaston, Graham, Henderson, Haywood, Iredell, Jackson, Lincoln, Montgomery, Mecklenburg, Mitchell, McDowell, Madison, Macon, Orange, Polk, Randolph, Rockingham, Rowan, Rutherford, Stanly, Stokes, Surry, Swain, Transylvania, Union, Wilkes, Watauga, Yadkin, and Yancey. Terms of the district court for the western district shall be held at Greensboro on the first Mondays in June and December; at Statesville on the third Mondays in April and October; at Salisbury on the fourth Mondays in April and October; at Asheville on the first Mondays in May and November; at Charlotte on the first Mondays in April and October; and at Wilkesboro on the fourth Mondays in May and November. The clerk of the court for the western division shall maintain an office in charge of himself or a deputy at Greensboro, at Asheville, at Statesville, and at Wilkesboro, which shall be kept open at all times for the transaction of the business of the court.

Mr. PARSONS. Mr. Speaker, I move to amend, in line 25, page 91, by striking out the word "division" and inserting the word "district." It is a misprint.

The amendment was agreed to.

Mr. BENNET of New York. Mr. Speaker, I move to strike out the last word for the purpose of asking my colleague a question upon the preceding section. On page 90, line 2, the language is "upon the request of the resident judge entered in the minutes of his court." To make it specific, I would like to ask, if we desire, as we frequently do, to have Judge Hazle or Judge Ray come down and sit in the southern district, who is the resident judge in the southern district.

Mr. PARSONS. I thank the gentleman from New York for his vigilance, and if he will ask unanimous consent to return to that page for the purpose of offering an amendment I will consent.

Mr. BENNET of New York. I ask unanimous consent to return to section 95 for the purpose of offering an amendment.

The SPEAKER. The gentleman from New York asks unanimous consent to return to section 95 for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. BENNET of New York. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 90, line 2, before the word "resident," strike out the word "the" and insert the word "any."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. BENNET of New York. Mr. Speaker, I would also like to ask my colleague if he recalls if this conflicts with a law relating to the judge of the eastern district of New York, which law was the result of a bill introduced by himself.

Mr. PARSONS. The gentleman does not recall correctly that law, I think. There was a law that required or permitted the judge of the eastern district to try criminal cases in the southern district and which gave him extra compensation. That law was repealed in a recent Congress when an additional judge for the southern district was provided.

Mr. BENNET of New York. Yes; but in repealing the statute we went further than that and prohibited the judge in the eastern district from sitting in the southern district.

Mr. PARSONS. No; we did not prohibit him from sitting there.

Mr. BENNET of New York. Well, it was my colleague's bill, and his recollection ought to be better than mine.

Mr. PARSONS. We simply cut out the extra compensation and struck out the partial provision that had been in the law before.

The Clerk read as follows:

SEC. 98. The State of Ohio is divided into two judicial districts, to be known as the northern and southern districts of Ohio. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Ashland, Ashtabula, Cuyahoga, Carroll, Columbiana, Crawford, Geauga, Holmes, Lake, Lorain, Medina, Mahoning, Portage, Richland, Summit, Stark, Tuscarawas, Trumbull, and Wayne, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of Auglaize, Allen, Defiance, Erie, Fulton, Henry, Hancock, Hardin, Huron, Lucas, Mercer, Marion, Ottawa, Paulding, Putnam, Seneca, Sandusky, Van Wert, Williams, Wood, and Wyandotte, which shall constitute the western division of said district. Terms of the district court for the eastern division shall be held at Cleveland on the first Tuesdays in February, April, and October; and at Youngstown on the first Tuesday after the first Monday in March; and for the western division at Toledo on the first Tuesdays in June and December. Grand and petit jurors summoned for service at a term of court to be held at Cleveland may, if in the opinion of the court the public convenience so requires, be directed to serve also at the term then being held or authorized to be held at Youngstown. Crimes and offenses committed in the eastern division shall be cognizable at the terms held at Cleveland, or at Youngstown, as the court may direct. Any suit brought in the eastern division may, in the discretion of the court, be tried at the term held at Youngstown. The southern district shall include the territory embraced on the 1st day of July, 1909, in the counties of Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Lawrence, Miami, Montgomery, Preble, Scioto, Shelby, and Warren, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Athens, Belmont, Coshocton, Delaware, Fairfield, Fayette, Franklin, Gallia, Guernsey, Harrison, Hocking, Jackson, Jefferson, Knox, Licking, Logan, Madison, Meigs, Monroe, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Ross, Union, Vinton, and Washington, which shall constitute the eastern division of said district. Terms of the district court for the western division shall be held at Cincinnati on the first Tuesdays in February, April, and October; and for the eastern division at Columbus on the first Tuesdays in June and December: *Provided*, That terms of the district court for the southern district shall be held at Dayton on the first Mondays in May and November. Prosecutions for crimes and offenses committed in any part of said district shall also be cognizable at the terms held at Dayton. All suits which may be brought within the southern district, or either division thereof, may be instituted, tried, and determined at the terms held at Dayton.

Mr. MOON of Pennsylvania. Mr. Speaker, I offer the following amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 24, line 7, strike out the word "first" and in lieu thereof insert the word "last."

On page 24, line 8, strike out the words "June and December" and in lieu thereof insert the words "April and October."

The SPEAKER pro tempore. The question is on agreeing to the amendments, which, without objection, will be considered together.

The question was taken, and the amendments agreed to.

The Clerk read as follows:

SEC. 99. The State of Oklahoma is divided into two judicial districts, to be known as the eastern and the western districts of Oklahoma. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Adair, Atoka, Bryan, Craig, Cherokee, Creek, Choctaw, Coal, Carter, Delaware, Garvin, Grady, Haskell, Hughes, Johnston, Jefferson, Latimer, Le Flore, Love, McClain, Mayes, Muskogee, McIntosh, McCurtain, Murray, Marshall, Nowata, Ottawa, Okmulgee, Ofuskee, Pittsburg, Pushmataba, Pontotoc, Rogers, Stephens, Sequoyah, Seminole, Tulsa, Washington, and Wagoner. Terms of the district court for the eastern district shall be held at Muskogee on the first Monday in January; at Vinita on the first Monday in March; at Tulsa on the first Monday in April; at South McAlester on the first Monday in June; at Ardmore on the first Monday in October; and at Chickasha on the first Monday in November in each year. The western district shall include the territory embraced on the 1st day of July, 1909, in the counties of Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Custer, Dewey, Ellis, Garfield, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, Majors, Noble, Oklahoma, Osage, Pawnee, Payne, Pottawatomie, Roger Mills, Texas, Tillman, Washita, Woods, and Woodward. Terms of the district court for the western district shall be held at Guthrie on the first Monday in January; at Oklahoma City on the first Monday in March; at Enid on the first Monday in June; and at Lawton on the first Monday in October. The clerk of the district court for the eastern district shall keep his office at Muskogee, and the clerk for the western district at Guthrie.

Mr. MORGAN of Oklahoma. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend section 99, page 96, line 18, by striking out the word "and"; and amend line 19 by striking out the period after the word "October" and insert a semicolon and the following words: "And at Woodward on the first Monday in November."

The SPEAKER pro tempore. The question is on agreeing to the amendments, which, without objection, will be considered together.

Mr. GARRETT. Does that create a new place for holding court?

Mr. MOON of Pennsylvania. Mr. Speaker, there is a provision in existing law that I shall have to insist upon before I can agree to this amendment, and that is that suitable rooms for holding the court at Woodward shall be furnished free of expense to the United States.

Mr. MORGAN of Oklahoma. Mr. Speaker, I see no reason why Woodward should be required to do that when other places are not.

Mr. MOON of Pennsylvania. That is existing law. It was the wisdom of Congress that passed that law.

Mr. MORGAN of Oklahoma. I shall not object, but I do not see any reason why Woodward should be discriminated against.

Mr. MOON of Pennsylvania. It is not discriminating against Woodward. There are hundreds of places where this same condition prevails.

Mr. MORGAN of Oklahoma. Very well.

Mr. MOON of Pennsylvania. Therefore, Mr. Speaker, I shall ask the gentleman to amend his amendment by adding the words:

Provided, That suitable rooms and accommodations for holding court at Woodward are furnished free of expense to the United States.

Mr. MORGAN of Oklahoma. Very well.

The SPEAKER pro tempore. The Clerk will report the amendment as modified.

The Clerk read as follows:

Amend section 99, on page 96, in line 18, by striking out the word "and," and in line 19, after the word "October," substitute a semicolon for a period and insert "and at Woodward on the first Monday in November: *Provided*, That suitable rooms and accommodations for holding court at Woodward are furnished free of expense to the United States."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MORGAN of Oklahoma. Mr. Speaker, I also offer the following amendment:

The Clerk read as follows:

Page 96, line 22, strike out the word "Guthrie" and insert "the capital of the State."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. GARRETT. Mr. Speaker, would the gentleman be willing for that amendment to go over and revert to the section again? Will not the gentleman ask unanimous consent that that section be reverted to at some future time?

Mr. MORGAN of Oklahoma. If it shall be understood that it be called up when I am here. I will state this: The capital of Oklahoma has really been changed to Oklahoma City. The matter may be kept in controversy in the United States courts for some time by appeal to the Supreme Court of the United States. But the supreme court of the State has rendered a final decision. The clerk of the United States court should have his office at the capital of the State. There can be no question about this.

Mr. GARRETT. Well, the gentleman understands I have no interest in the matter personally of any kind, but there is a small House here and the gentleman is the only Representative from Oklahoma, I believe, on the floor. Does the Oklahoma delegation agree on this proposition?

Mr. MORGAN of Oklahoma. I will state that my attention was not called to this matter until this morning. I have had no opportunity to confer with members of the delegation. To my mind it seems very clear that the clerk of the western district should have his office at the capital of the State. I do not think my colleague [Mr. MCGUIRE] would object to this.

Mr. BENNET of New York. Will the gentleman yield for a question?

Mr. MORGAN of Oklahoma. Certainly.

Mr. BENNET of New York. Is not there considerable uncertainty at present as to exactly where the capital of Oklahoma is?

Mr. MORGAN of Oklahoma. Admitting there is some uncertainty now, the matter will soon be finally and definitely settled, and my amendment will leave the office of the clerk of the United States court at the capital, where it should be.

Mr. BENNET of New York. Yes; but does not the gentleman put the judge of the United States district court, the marshal, the clerk, and the other officers in the position of determining a question on which there seems to be a considerable difference of opinion in Oklahoma? Suppose the United States district court decides that the capital of Oklahoma is Guthrie; suppose some judge in Oklahoma decides it is Oklahoma City; suppose the governor decides it is at Lawton, and then the capital remains, as I understand it is now, in an express wagon; where is the judge to hold court?

Mr. MORGAN of Oklahoma. I do not apprehend there will be any serious consequences, such as the gentleman has indicated. Our State legislature is now in session at Oklahoma City. The supreme court of the State has decided where the capital is. I do not think there is any real controversy about where the capital of Oklahoma is.

Mr. BENNET of New York. Then why not move to strike out "Guthrie" and insert "Oklahoma City?"

Mr. MORGAN of Oklahoma. Well, if this amendment is lost I will do that, but I thought the amendment I proposed was fair, as I thought all would concede that the clerk's office for the western district should be at the capital of the State.

Mr. BENNET of New York. But you put the United States district judge to his selection.

Mr. MORGAN of Oklahoma. The judge and other officers of the United States court will have no more difficulty than the State officers.

Mr. BENNET of New York. But this is a Federal officer, and he is not responsible for what the State does, and I suggest to the gentleman——

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired.

Mr. BENNET of New York. I ask unanimous consent that the gentleman's time may be extended five minutes.

The SPEAKER pro tempore. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. BENNET of New York. I seriously suggest to the gentleman that his amendment might result in a great deal of serious legal complication, whereas if he names a particular city, then we have discharged our responsibility.

Mr. MORGAN of Oklahoma. Well, I will consent to allow the matter to be passed as requested by the gentleman from Tennessee.

Mr. GARRETT. I merely suggest that, and I hope the gentleman will understand that I have not the slightest interest in it.

Mr. MADISON. I would like to ask the gentleman a question. Now that it is a fact that the capital of Oklahoma is established; that the legislature has fixed the place and the bill has been signed and the controversy is ended, why not insert the name of Oklahoma City? That is the thing that ought to be done, and the matter ought not to be left suspended in mid-air. Oklahoma City ought to be named.

Mr. MORGAN of Oklahoma. In answer to the gentleman I will state that I thought in fairness to my colleague [Mr. MCGUIRE], who represents the first district, in which Guthrie is situated, I did not want to urge any such amendment in his absence. That is the reason.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent that the paragraph may be passed for the present without prejudice.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the section may be passed for the present without prejudice, and with the amendment pending.

Mr. MADISON. Mr. Speaker, reserving the right to object, I am of the opinion that the only question that is involved is the one question of whether or not Guthrie or Oklahoma City shall appear, and that we ought to write in the name of Oklahoma City and go ahead with this matter.

Mr. BENNET of New York. There is the additional question of personal courtesy. The gentleman from Oklahoma does not want to proceed in the absence of his colleague who represents the district in which Guthrie is situated, and it does no harm to pass it over. That is the reason I made the request. I was rather an outsider in the matter.

Mr. MADISON. I desire to extend all courtesy to the absent gentleman, but the gentleman is aware of the fact that the Representative from this district has not been here. We want to get through with this bill, and certainly ought not to take up more than one more day with it. We have no assurance that the gentleman will be here, and as this is to establish a settled proposition now, namely, that Oklahoma City is the capital, why should there be further waiting?

The SPEAKER pro tempore. Is there objection?

Mr. MADISON. I shall object to the matter being passed over.

Mr. FOSTER of Illinois. I suggest that the gentleman should not object. We have not a quorum here this afternoon.

Mr. BENNET of New York. I do not think the gentleman will make any progress.

Mr. MADISON. On the insistence of the gentleman, I will, although I feel certain that at the next sitting on this bill we ought to dispose of that matter.

Mr. MOON of Pennsylvania. I think it would expedite matters for the gentleman to withdraw his objection and let it go over.

The SPEAKER pro tempore. Does the gentleman from Kansas [Mr. MADISON] withdraw his objection?

Mr. MADISON. I do.

Mr. SMALL. Mr. Speaker, I ask unanimous consent to return to page 91 of the bill for the purpose of offering an amendment.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent to return to page 91 of the bill for the purpose of offering an amendment, which the Clerk will report.

The Clerk read as follows:

Page 91, line 3, amend by adding the following after the word "Washington:"

"Until a courthouse shall be constructed by the United States."

The SPEAKER pro tempore. Is there objection to returning to the section for the purpose indicated?

There was no objection.

Mr. SMALL. Mr. Speaker, at present there is no courthouse building owned by the United States, but one has been authorized and will be constructed within 12 months, perhaps, so that this amendment simply makes it necessary for the city of Washington to provide a courthouse until the United States shall construct one.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken and the amendment was agreed to.

The Clerk read as follows:

SEC. 101. The State of Pennsylvania is divided into three judicial districts, to be known as the eastern, middle, and western districts of Pennsylvania. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, and Schuylkill. Terms of the district court shall be held at Philadelphia on the second Mondays in March and June, the third Monday in September, and the second Monday in December, each term to continue until the succeeding term begins. The middle district shall include the territory embraced on the 1st day of July, 1909, in the counties of Adams, Bradford, Cameron, Carbon, Center, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lebanon, Luzerne, Lycoming, Mifflin, Monroe, Montour, Northumberland, Perry, Pike, Potter, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York. Terms of the district court shall he held at Scranton on the fourth Monday in February and the third Monday in October; at Harrisburg on the first Mondays in May and December; and at Williamsport on the second Mondays in January and June. The western district shall include the territory embraced on the 1st day of July, 1909, in the counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland. Terms of the district court shall be held at Pittsburg on the first Monday in May and the third Monday in October; and at Erie on the third Monday in July and the second Monday in January.

Mr. BURKE of Pennsylvania. Mr. Speaker, I ask unanimous consent that, for the purpose of amendment, the paragraph just read be passed without prejudice.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that the section just read may be passed for the present without prejudice. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 104. The State of South Dakota shall constitute one judicial district, to be known as the district of South Dakota. The territory embraced on the 1st day of July, 1910, in the counties of Aurora, Beadle, Bon Homme, Brookings, Brule, Charles Mix, Clay, Davison, Douglas, Gregory, Hanson, Hutchinson, Kingsbury, Lake, Lincoln, Lyman, McCook, Miner, Minnehaha, Moody, Sanborn, Turner, Union, and Yankton, and in the Crow Creek, Lower Brule, and Yankton Indian reservations, shall constitute the southern division of said district; the territory embraced on the date last mentioned in the counties of Armstrong, Brown, Campbell, Clark, Codington, Corson, Day, Deuel, Dewey, Edmunds, Grant, Hamlin, McPherson, Marshall, Roberts, Schnasse, Spink, and Walworth, and in the Sisseton and Wahpeton Indian Reservation, shall constitute the northern division; the territory embraced on the date last mentioned in the counties of Buffalo, Faulk, Hand, Hughes, Hyde, Jerauld, Potter, Stanley, and Sully, and in the Cheyenne River Indian Reservation, and that portion of the Standing Rock Indian Reservation lying within South Dakota, shall constitute the central division; and the territory embraced on the date last mentioned in the counties of Bennett, Butte, Custer, Fall River, Harding, Lawrence, Meade, Mellette, Pennington, Perkins, Shannon, Todd, Tripp, Washabaugh, and Washington, and in the Rosebud and Pine Ridge Indian Reservations, shall constitute the western division. Terms of the district court for the southern division shall be held at Sioux Falls on the first Tuesday in April and the third Tuesday in October; for the northern division, at Aberdeen, on the first Tuesday in May and the second Tuesday in November; for the central division, at Pierre, on the second Tuesday in June and the first Tuesday in October; and for the western division, at Deadwood, on the third Tuesday in May and the first Tuesday in September. The clerk of the district court shall reside and have his principal office at Sioux Falls; and may appoint, *as provided in section 4*, deputies to reside and have their offices at Pierre, Deadwood, and Aberdeen.

Mr. BENNET of New York. Mr. Speaker, I move to strike out the last word for the purpose of asking the gentleman in charge of the bill a question. The italicized words are "as provided by section 4," and, turning over to section 4, it appears that that section starts with a provision, as follows:

Except as otherwise specially provided by law.

I do not know to what that refers.

Mr. MOON of Pennsylvania. That refers to this: That in a great many cases we have provided for clerks to reside in certain divisions. Now, in that particular class of cases this general law was not intended to apply. It was intended to apply wherever any case arose where, outside of definite provisions specifically made by Congress, clerks were necessary, leaving it to the judge——

Mr. BENNET of New York. I do not see the necessity for the language here at all, and I do see a certain danger about it, because you limit the appointment of this particular clerk to the method provided in section 4 and take away the wise limitation at the beginning of section 4, namely, "except as otherwise specially provided by law."

Mr. MOON of Pennsylvania. I do not see the danger that the gentleman refers to at all.

Mr. BENNET of New York. Do you see any benefit from the language? Section 4 applies anyway, does it not?

Mr. MOON of Pennsylvania. What I am endeavoring to get in my mind now is how this came in.

Mr. BENNET of New York. Unnecessary language is always dangerous.

Mr. MOON of Pennsylvania. The same thing can be done without this reference to section 4.

Mr. BENNET of New York. Section 4 is part of the law.

Mr. MARTIN of South Dakota. Mr. Speaker, I think the inquiry of the gentleman from New York is pertinent. This is a question that affects the offices of deputy clerks in the other divisions of the district, and I think we should not have any limitations other than the general law.

Mr. BENNET of New York. It seems to me these words ought clearly to be stricken out.

Mr. MOON of Pennsylvania. I think so. I do not see any necessity for them. I shall make a motion to strike them out.

Mr. BENNET of New York. I move to strike out of line 6, page 101, the words "as provided in section 4."

The Clerk read as follows:

Page 101, line 6, strike out the words "as provided in section 4."

The amendment was agreed to.

Mr. MARTIN of South Dakota. I move to strike out the last word for the purpose of inquiring as to whether the date on page 101 has been changed to 10 instead of 9.

Mr. MOON of Pennsylvania. That has been done by a general amendment.

The SPEAKER pro tempore. The Chair is informed that that has been done by a previous amendment.

Mr. MARTIN of South Dakota. So I am informed by the chairman of the committee. Now, Mr. Speaker, there are still other difficulties in this section as reported by the Committee on Revision. For example, in the central division of the South Dakota district the Cheyenne River Reservation and the Standing Rock Reservation are still classed as being within the jurisdiction of the central division.

In the preceding paragraph the northern division has, by this compilation, added to it certain counties—Corson, Schnasse, Dewey, and Armstrong. Now, these reservations are within these counties, and these counties being placed in one division and the reservations still being regarded as in the central division, I think there may arise very great difficulties in litigation if we leave that section in the condition that it is in now. A man guilty of an offense in the Indian reservation, the counties in which the reservation is situated being placed in one division and the reservation in which he resides being placed in another, I think that it might be taken advantage of with very serious results.

There is also a similar condition regarding the Crow Creek Reservation, which is here classed as in the southern division, and the counties in which it is situated are classified as in the central division. I would suggest to the chairman of the committee that this section be passed without prejudice for the purpose of making sure that these jurisdictional questions are properly arranged.

Mr. MOON of Pennsylvania. I think that that should be done. The committee took great pains to ascertain the accu-

racy of these things by correspondence with the district attorneys; but from the statement made by the gentleman a serious question of jurisdiction might arise, and I therefore join in the request of the gentleman that it be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from South Dakota asks unanimous consent that the section be passed over without prejudice. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

SEC. 105. The State of Tennessee is divided into three districts, to be known as the eastern, middle, and western districts of Tennessee. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bledsoe, Bradley, Hamilton, James, McMinn, Marion, Meigs, Polk, Rhea, and Sequatchie, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Sevier, Scott, and Union, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington, which shall constitute the northeastern division of said district. Terms of the district court for the southern division of said district shall be held at Chattanooga on the fourth Mondays in May and November; for the northern division, at Knoxville on the first Mondays in January and July; and for the northeastern division, at Greeneville on the last Mondays in March and September. The middle district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bedford, Cannon, Cheatham, Coffee, Davidson, Dickson, Franklin, Giles, Grundy, Hickman, Humphreys, Houston, Lawrence, Lewis, Lincoln, Marshall, Maury, Montgomery, Moore, Robertson, Rutherford, Stewart, Sumner, Trousdale, Warren, Wayne, Williamson, and Wilson, which shall constitute the Nashville division of said district; also the territory embraced on the date last mentioned in the counties of Clay, Cumberland, Dekalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Van Buren, and White, which shall constitute the northeastern division of said district. Terms of the district court for the Nashville division of said district shall be held at Nashville on the second Mondays in April and October; and for the northeastern division at Cookeville on the second Mondays in May and November: *Provided*, That suitable accommodations for holding court at Cookeville are provided by the county or municipal authorities without expense to the United States. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Dyer, Fayette, Haywood, Lauderdale, Shelby, and Tipton, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Carroll, Chester, Crockett, Decatur, Gibson, Hardeman, Hardin, Henderson, Henry, Lake, McNairy, Madison, Obion, Perry, and Weakley, including the waters of the Tennessee River to low-water mark on the eastern shore thereof wherever such river forms the boundary line between the western and middle districts of Tennessee, from the north line of the State of Alabama north to the point in Henry County, Tenn., where the south boundary line of the State of Kentucky strikes the west bank of the river, which shall constitute the eastern division of said district. Terms of the district court for the western division of said district shall be held at Memphis on the fourth Mondays in May and November; and for the eastern division, at Jackson on the fourth Mondays in April and October. The clerk of the court for the western district shall appoint, in the manner provided in section 4, a deputy who shall reside at Jackson. The marshal for the western district shall appoint a deputy who shall reside at Jackson. The marshal for the eastern district shall appoint a deputy who shall reside at Chattanooga. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Knoxville, at Chattanooga, and at Greeneville, which shall be kept open at all times for the transaction of the business of the court.

Mr. KEIFER. Mr. Speaker, I move to strike out the last word for the purpose of asking the chairman of the committee a question. Returning to page 102 of the bill I see what I think occurs in other places in the bill. On line 18 is a proviso I will read:

And for the northeastern division, at Cookeville on the second Mondays in May and November: *Provided*, That suitable accommodations for holding court at Cookeville shall be provided by the county or municipal authorities without expense to the United States.

I wanted to inquire, in cases like that where the court would be held, what would happen if the county or municipal authorities did not pay the expenses of holding the court?

Mr. MOON of Pennsylvania. It would not be held at all.

Mr. KEIFER. Then justice would cease and its wheels would stop?

Mr. MOON of Pennsylvania. Oh, no. No court was held at this place until it was established with these conditions, and the people are getting this additional court that they did not have prior to that time by furnishing this accommodation. If they do not furnish them, they will have to go to the regular place of holding the court. It is granted upon the condition of their furnishing this accommodation. Now, if they were not to furnish the accommodation, then they would have their trials at the nearest other place of holding court.

Mr. KEIFER. That is the rule. Now, was this so provided in the original act? This does not seem to make provision for such a case as the statement of the gentleman refers to. And I have similar provisions in some other places in the bill. Now, if the accommodation is not furnished, it stops the court. You have to have a court to try the parties in the district where the crime is committed. In this case the court is not to be held at Cookeville unless the community pays the expense of it.

Mr. MOON of Pennsylvania. As I read it, it is correct; if the condition is not complied with, then there is no court held there.

Mr. KEIFER. The gentleman's statement is lucid, but the bill does not contain the equivalent of what the gentleman states.

Mr. MOON of Pennsylvania. There would, in any event, be a court held in the district and in that division of the district.

Mr. KEIFER. It might be held in the district, but not in the Nashville division of the district, and no other place is provided for trials. Now, I want to add a word. I am not familiar with the mode of constituting the committee for the purpose of revising the statutes of the United States relating to courts, but I supposed that it was for the purpose of codification rather than revision, and was not to make laws so much as to codify existing laws and put them in harmony and good shape. By this bill we are frequently making laws under a misapprehension, and when we get through, if we ever do, and finish the bill, every Federal district will probably have some bill here at future sessions of Congress to correct some error or mistake or omission. I notice that with a very small minority of the House present, and in some few instances gentlemen are making suggestions which it is agreed are very good ones, but when we come to look the whole situation over we will have bills enough in the aggregate to make the equivalent in size of the present bill for the purpose of correcting and revising this bill.

There is always danger, I have noticed before in States, in codifying commissions or codifying committees undertaking to make law of their own, and get it through under the guise of a general codification. Then we have had troubles over and over again, and we are likely to have them here in the future.

Mr. MOON of Pennsylvania. I want to say in reply that there is no new law in this section. All the changes made by amendment, or substantially all, are to harmonize this bill with acts of Congress passed since this bill was reported—changes that are necessary to bring the bill into harmony with the existing law.

The only change that I now recall is the one made by the gentleman from South Carolina in regard to the provision that requires the county to provide the court room in which the Federal court should be held. There the gentleman said that a United States building was in the course of erection, and it was wise to limit that provision to the period of time when this building should be completed. I said that was a good provision, and it went in.

Mr. BENNET of New York. Mr. Speaker, I move to strike out, in lines 17 and 18, page 103, the words "in the manner provided in section 4."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 103, in lines 17 and 18, strike out the words "in the manner provided in section 4."

The amendment was agreed to.

The Clerk read section 106.

Mr. MORGAN of Oklahoma. Mr. Speaker, I move to return to section 99.

The SPEAKER pro tempore. The gentleman asks unanimous consent to return to section 99.

Mr. MORGAN of Oklahoma. I think it was passed with the understanding that it might be returned to.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MORGAN of Oklahoma. This is the Oklahoma matter. My amendment is pending, as I understand.

The SPEAKER pro tempore. If there be no objection, the Clerk will report the amendment which was pending.

The Clerk read as follows:

Page 96, line 22, strike out "Guthrie" and insert "the capital of the State."

Mr. MORGAN of Oklahoma. Mr. Speaker, I call for a vote on that amendment.

Mr. McGUIRE of Oklahoma. Mr. Speaker, with respect to that matter——

Mr. MANN. Will the gentleman from Oklahoma explain where the capital of the State is? Where is the capital of the State?

Mr. MORGAN of Oklahoma. At Oklahoma City.

Mr. MANN. Which capital is that; the one provided by Congress or the one provided by the State?

Mr. MORGAN of Oklahoma. Our supreme court has passed on that question, and has held that the legislature has convened and located the capital at Oklahoma City. The legislature is in session there. The State officers have either moved there or are moving there.

Mr. MANN. Yes; but it involves a very nice question. As I recall it, the act of admission provided that the capital of the

State should be located at a certain place for a certain length of time. Now, the State court will not construe this law. The State court might hold that the capital of the State was at Oklahoma City, and the Federal court might hold that the Federal law was still in force and that the capital of the State was somewhere else. The result might be that the court might not meet at the proper place, and somebody who was convicted of crime might thereby escape punishment.

Mr. McGUIRE of Oklahoma. Mr. Speaker, answering further the question of the gentleman from Illinois, as I understand the legal status with respect to the capital, the enabling act for Oklahoma fixed the capital at Guthrie until after 1913.

The legislature of Oklahoma provided for an election locating the capital, regardless of the provisions of the enabling act. That election was held. A case was begun in the State courts which involved two legal propositions. One was as to the legality of the calling and holding of the election; the other was as to the binding force of the enabling act. The State supreme court of Oklahoma decided that the enabling act was not binding upon the State so far as the location of the capital at Guthrie until 1913 was concerned. It also decided that the election was illegal, because it was not properly called under the provisions of the statutes of Oklahoma.

That is the legal status of the capital now. Notwithstanding that fact, however, the governor recently called the legislature to meet at Oklahoma City. Whether that was done in violation of the supreme court decision of our State is a question.

Now, as to this amendment, the clerk resides at Guthrie, Okla. The Federal judge resides at Guthrie. The present provision in this bill provides that the clerk shall be located at Guthrie. Under the enabling act, at least, Guthrie is the capital. This does not undertake to fix the residence of the judge of the court. The judge now being at Guthrie, the clerk being at Guthrie, and Guthrie being recognized under the enabling act as the capital, it seems to me that the present provision is the proper one, and I hope that the amendment will be voted down.

Mr. MANN. May I ask the gentleman what was the line of reasoning of the Supreme Court in holding that the enabling act was invalid so far as Oklahoma was concerned; that it had been admitted as a State, and therefore could do as it pleased?

Mr. McGUIRE of Oklahoma. That was the line of reasoning, that the Federal Government could not fix the capital of a State after a State was sovereign within itself, after it had been admitted to the Union; that that was within the province of the State.

Mr. MANN. Did the Supreme Court hold that the Federal Government could make no provision in regard to a State in the enabling act, which was binding upon the State?

Mr. McGUIRE of Oklahoma. It did, as I understand it.

Mr. MANN. Of course, that decision would overturn the matter of polygamy in the State of Utah.

Mr. McGUIRE of Oklahoma. Yes.

Mr. MANN. And set aside——

Mr. McGUIRE of Oklahoma. The prohibition question in Oklahoma.

Mr. MANN. Well, under the Northwest ordinance the States of Illinois, Indiana, Michigan, and Wisconsin have operated more or less for years, and the authority of that has been frequently affirmed by the Supreme Court of the United States as to the opening free of the navigable waters within those States.

Mr. GARRETT. Has the State legislature ever undertaken to violate any of the provisions in those States?

Mr. MANN. The State legislature could not violate it, if it is in force.

Mr. GARRETT. The gentleman misunderstood my question. I mean, had it endeavored to pass any acts contrary to the provisions contained in the act organizing the Northwest Territory?

Mr. MANN. That question has been involved in decisions of the Supreme Court, where in some cases the court thought they had endeavored to do that, but that is not the real question involved. If those provisions are in force in a State after it is admitted into the Union of course the State can not set them aside. The question is whether Congress can make any provision in admitting a State into the Union——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the time of the gentleman may be extended for five minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, it seems to me that there is quite a question involved here, whether the General Government in admitting a State into the Union can make any special provisions concerning that State which is binding upon that State as a State, or whether, as each State is admitted, it has the same powers and jurisdiction as the original 13 States. We have always supposed in our part of the country that the old ordinance which provided that the waterways should be free and open was binding—perhaps not always have supposed that, because there were at one time laws passed in reference to dams and the booming of logs, etc., upon rivers in Minnesota and Wisconsin by the States which prevented navigation—and the question arose squarely, and went to the Supreme Court, as to whether the original ordinance remained in force, and the Supreme Court, as I recall it, while I believe it held in those cases that the State laws did not conflict with the original ordinance, yet held that that ordinance was still in force. The question was recently raised, and is now pending in the Supreme Court in another case, or in the Federal court at Chicago, concerning the waterway from Chicago to St. Louis and the Des Plaines River, it being contended that the Des Plaines River, as a navigable water, must be kept free and open to the navigation interests of the people, and that there is no authority on the part of the State to violate that ordinance.

If that be the case, I do not see why this enabling act was not binding on Oklahoma. We have the act admitting Utah into the Union. Is the antipolygamy provision of that act in force or not, or has the supreme court of Oklahoma and the executive officers of that State construed a law which permits polygamy in one of the States of the Union, if that State desires to keep it there?

Mr. MOON of Pennsylvania. It was made a constitutional provision in Utah, was it not?

Mr. MANN. Well, but can they change it? We required them to put a constitutional provision in. Can they change it? Is that provision in the enabling act binding on the State? In other words, can Congress make a provision that a State shall make a certain provision in its constitution, and the moment as soon as the State is admitted into the Union can the State turn around and wipe it off the constitution?

Mr. BENNET of New York. May I ask the gentleman a question?

Mr. MANN. Certainly.

Mr. BENNET of New York. Does not this also involve certain other States, for instance, Arizona and New Mexico? As I recall it, there are certain legislative provisions which are intended to be binding upon the States for all time, particularly in reference to school lands, as I recall it, and questions of that kind.

Mr. MANN. There are a great many questions involved. It is the duty of the General Government under the Constitution, as I recall it, to maintain a republican form of government in the States. That is as far as we have the authority to go in their internal affairs unless we have the authority in the enabling act to require a State to put into its constitution a provision which we insist upon as a condition precedent to the admission of that Territory into the Union. Now, I am not disposed to say that in this bill we should recognize the right of either the executive officers of Oklahoma or the State supreme court of Oklahoma to wipe out a part of one of those enabling acts when the gentleman proposes his amendment to locate this at the capital city and leave that question open which involves all this controversy——

Mr. SIMS. Will the gentleman permit me to ask, I have not examined the language of the enabling act, but is it not directory and not mandatory?

Mr. MANN. My understanding is the enabling act located the capital at Guthrie until 1913.

Mr. McGUIRE of Oklahoma. I could not hear the gentleman from Tennessee.

Mr. SIMS. I asked if the enabling act was not merely directory and not mandatory upon the State in order to come into the Union.

Mr. FERRIS. Mr. Speaker, I think I can answer that. The enabling act in emphatic terms stated that the capital should be located at Guthrie and remain there until 1913. The views of our people raise precisely the question advanced by the gentleman from Illinois [Mr. MANN]. The contention of our people, followed up by the decision of our supreme court, is that after a State becomes a sovereign State under the Constitution of the United States, that if the Congress places restraints and limitations upon that State beyond its power under the Federal Constitution, it is just as much a nullity on the part of Congress to do that as the legislature or anybody else to exceed their authority. The belief in the State, at least of a large majority of the people who voted on the question—60 or 70 of the 75 counties so voting—and the decision of the supreme court, is that the American Congress in the enabling act so far exceeded its

powers under the Federal Constitution that what it did and said in reference to the location of our capital in our State until 1913 was a nullity, and our supreme court holds that the legislature had the power to disregard that and locate the capital. The legislature has done this, and it is at Oklahoma City.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. GARRETT. Mr. Speaker, I should like to have the *gentleman* from Oklahoma answer a question. In rendering the decision the supreme court of Oklahoma necessarily construed the act of Congress.

Mr. FERRIS. It did; that was the sole matter up.

Mr. GARRETT. Now, has there been any appeal taken to the Federal court?

Mr. FERRIS. I am not advised as to that.

Mr. McGUIRE of Oklahoma. There has been an appeal taken to the Supreme Court of the United States, I am advised——

Mr. FERRIS. I am not advised.

Mr. McGUIRE of Oklahoma. I understand there has been an appeal, and it is now resting on appeal.

Mr. FERRIS. That is perhaps true.

Mr. GARRETT. Of course, it is well understood that the courts of a State have the same right to pass upon a Federal statute and construe that statute as the courts of the United States have to pass upon a State statute and construe that statute, and the decision of a State court construing a Federal statute is binding until reversed by a high court of the United States. I do not know in regard to the appeal that has been taken in what sort of a condition that leaves it in.

Mr. MANN. The gentleman is not contending that any decision of a court is binding if an appeal were taken?

Mr. GARRETT. I did not so state.

Mr. MOON of Pennsylvania. Mr. Speaker, I trust this proposed amendment will be defeated, because of the fact that it does not locate definitely the place for the clerk to maintain his office. Nowhere else in the statutes of the United States, so far as I have any knowledge, is there any such indefinite location as that—that a court shall be held or that a clerk shall reside at the capital city.

It seems to me that if we were to adopt that it would be a shifting place, that it might be in one location to-day and in another to-morrow. It has always been the policy of the Federal Government to fix definitely some place in the State where the functions of the Federal court were to be discharged. Therefore I trust the amendment proposed to strike out the word "Guthrie" and insert the words "Oklahoma City" will be defeated.

Mr. MORGAN of Oklahoma. Mr. Speaker, in support of this amendment I will say that the question of the authority of the supreme court of Oklahoma to construe any provision in the enabling act is involved in this amendment. We have had a controversy over the location of the capital. My colleague lives in the first congressional district, in which Guthrie is located; I live in the second congressional district, in which Oklahoma City is located. I wanted to be fair with my colleague. So when I first offered this amendment, instead of moving to strike out the word "Guthrie" and insert the words "Oklahoma City," I wanted to be fair to my colleague, in his absence, and to the people in both cities, and hence moved to strike out "Guthrie" and insert the words "at the capital of the State," and let the clerk go where the capital was.

In offering this amendment, and in asking that it be adopted, I am seeking merely to confer a special favor on Oklahoma City and her citizens. I am seeking to have done what I think will serve the people of the western judicial district.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. MORGAN of Oklahoma. I will.

Mr. MARTIN of South Dakota. Is there still a controversy between the citizens of the first district and those of the second district as to whether or not the determination of your supreme court has become final as to where the capital really is?

Mr. MORGAN of Oklahoma. I will state this, that so far as the people generally of our two districts are concerned they are not in controversy about the capital at all. The people living at Guthrie, in my colleague's district, and in Oklahoma City, within my district, have been in a controversy over this question. A great many of the people, perhaps one-third, of my colleague's constituents, voted to locate the capital at Oklahoma City. A large number of my constituents voted for Guthrie as the permanent capital.

Mr. MARTIN of South Dakota. Of course the law requires that litigants or their counsel shall file certain papers and pleadings and other documents pertaining to the proceedings in the court with the clerk in his office, and the filing of those papers within certain periods is sometimes very vital to the legality of the proceedings and to titles dependent on the proper conduct of the proceedings. Is it not quite likely that if we throw any shadow of doubt as to the place where the lawful office of the clerk is to be, we might jeopardize very much titles growing out of the proper conduct of litigation?

Mr. MORGAN of Oklahoma. I presume there may be some danger in the direction which the gentleman has suggested. As I said, what I am looking after is the convenience of the people of the western judicial district of Oklahoma. My object is not merely to give advantage to Oklahoma City. My purpose is to accommodate the people generally who have business before the United States court. My amendment is fair. I do not offer this amendment or urge its adoption to satisfy the selfish interests of any city, but urge its adoption in behalf of the people of the western judicial district. I have no desire to injure Guthrie or its citizens. But in this, as in all other matters of legislation, the public interests must be held as paramount to individual or local interests.

Mr. KEIFER. Mr. Speaker, I am not familiar with the amendment proposed. I wanted to say a word on the question suggested by the gentleman from Illinois [Mr. MANN] on the matter of the power of the United States to provide what shall be in the constitution of a State. I apprehend the true view is this: That the Congress may, as a condition of admission of a State, require certain provisions in its first constitution. I think, after that has been done, the State is admitted into the Union with all the incident authority of any other State in the Union, including the right to change or amend its own constitution. And after that it possesses the right to amend its constitution and strike out even the provisions that were required to be put in its first constitution as a condition of admission.

Now, this is in conflict, perhaps, with a general notion that Congress may have such power as has been exercised in many instances. When a State is once in the Union fully, there is but one provision in the Constitution of the United States which gives to the United States or to its Congress any right to interfere with it in its sovereignty in any way. That matter was well discussed at the time the Constitution of the United States was framed and adopted. The provision will be found in the fourth section of the fourth article of the Constitution, and that does not, it seems to me, prohibit a full-fledged State from amending its constitution in any respect at all. Of course it can not make a State constitutional provision that will be in conflict with the Constitution of the United States. The section I refer to reads:

> The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature can not be convened) against domestic violence.

It is the first part of this section I refer to—

> The United States shall guarantee to every State in this Union a republican form of government.

Now, after we have admitted a State on whatever conditions may be required by Congress, the State becomes a sovereign power, and after that there is no limitation by reason of the condition that we required it to be admitted upon at all. It can not be said even in the enabling act that a State shall be admitted under a constitution which shall never be amended. I think we have never attempted to say anything of the kind in the admission of States. There is but this one provision, and this is the only one that gives the United States the right to interfere with a State, and that is where they have a constitution that is not republican in form.

Mr. STERLING. If the gentleman will permit me, did not the reconstruction act forbid the States from adopting constitutions which did not recognize the amendments? Do you think that binding on a State?

Mr. KEIFER. I do not think it reads that way.

Mr. STERLING. I think there are several of the reconstruction acts that required the States admitted or brought into the Union to conform to the amendments of the Constitution that had been passed.

Mr. KEIFER. Of course, that is in conflict with the Constitution, and that could not be changed by any State; but even in the admission of States after the rebellion, when they were admitted or readmitted or permitted to exercise their State authority on certain conditions, they became again States, with the same rights they formerly possessed. Having acquired their proper State sovereignty, there is nothing in the language of the Constitution of the United States or in the power of Congress but to see that thereafter the State government and their constitutional acts conform to a republican form of government.

Mr. MICHAEL E. DRISCOLL. Did not the Supreme Court hold that the States had never gone out of the Union?

Mr. KEIFER. I am not discussing that question. But they have been admitted and recognized as having their ordinary privileges of sovereignty, and if there was a condition attached, whether rightfully or not, is not the question I am here discussing at all; but having resumed their State powers and rights, as in the case of a new or other State, they enjoy all the rights of an original State in the Union. There is but the one provision of the Constitution of the United States that permits interference with any State.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. KEIFER. Surely.

Mr. MANN. Does the gentleman believe that prior to 1860 it was within the power of Congress, in admitting a new State, to require the State to provide in its constitution, which should be inviolable, that slavery should not exist in that State?

Mr. KEIFER. I do not think that question has anything to do with the matter under discussion at all. After the adoption of the thirteenth amendment to the Constitution of the United States it was operative upon all of the States. No provision of a State constitution or law of a State could reestablish slavery in the United States. So that question does not affect what I am discussing.

Mr. MANN. But the gentleman did not listen to the question.

Mr. KEIFER. Oh, yes.

Mr. MANN. I say that, prior to 1860, an act of Congress providing for the admission of a State provided that a State constitution, which should be inviolable in that respect, should provide that slavery should not exist in the State.

Mr. KEIFER. I think that in admitting a State they might require that, as well as to have required certain provisions in the constitution of Oklahoma when we admitted it. I do not think that question affects the present question at all, because it might have made a condition of the admission of a State that wanted slavery, that it should not have it or we would not admit them. We had that power as much before 1860 or 1865 as we have now with reference to provisions that we find in some of our new State constitutions about intoxicating liquors, and so on.

Mr. MANN. Could we make a provision which would be binding upon the State as to slavery, after it was admitted, prior to the amendments to the Constituion?

Mr. KEIFER. I think not, unless the Congress of the United States could reach the conclusion that with such a provision in a State constitution the State government was not republican in form.

Mr. MARTIN of South Dakota. Mr. Speaker, I think we are very unnecessarily bringing into a very simple case of legislation here some very troublesome constitutional questions. This western division of the Oklahoma district is already provided with at least two terms of court, one to be held at Guthrie and one to be held at Oklahoma City. The present statute provides that the clerk's office shall be at Guthrie. Now, if it is desired by any Member from that great State to change the statutory place of the office of the clerk, I think it should be done in definite language, and the proposed amendment should be definitely to provide another place for the official office of the clerk of the court of that western division.

So far as these constitutional questions are concerned, I think most lawyers would agree with the position which we are told the supreme court of Oklahoma has taken upon that question. While the enabling act may have provided that the seat of government, which carries with it certain prerogatives and certain important duties and privileges which are well understood, should be at a certain place, most of us would agree that after a sovereign State is admitted and becomes a part of the Union, that would be one of the minor subjects that might very well be within the legislative power of the representatives of the people of the State, and that any change upon that subject would not create a serious or constitutional question that would justly bring the criticism that the State had violated its contract as implied in the enabling act. Certainly the Federal Government would be practically without power to enforce the provision in the enabling act upon that sort of a question, and would have to confine itself to such criticism as may be made whenever the question comes up, as it is now being brought up in this legislative body, as to where the real and legal seat of government is; but when a State is within the Union, it is there for all purposes; and while we as Representatives of the people of the United States might consider that in changing their seat of government they have violated a technical or perhaps a serious provision of the enabling act, it is not a matter that we could relieve against, either in a legislative body or elsewhere.

Be that as it may, it seems to me it is a very poor legislative proposition that we should throw into this question as to where the court clerk's office of the western district is to be, the uncertainty that seems to be surrounding the question as to where the legally constituted capital of Oklahoma is at the present time; and I would suggest to the gentleman from Oklahoma [Mr. MORGAN], if in seriousness he thinks the office of the clerk ought to be changed from Guthrie to Oklahoma City, that he offer an amendment upon that subject which will not leave any uncertainty to litigants and other people interested as to where the clerk's office can lawfully be located.

Mr. MORGAN of Oklahoma. If it is in order, I will move to substitute for the amendment to strike out the words "capital of the State" and insert the words "Oklahoma City."

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent to modify his amendment as he has suggested, and the amendment as modified will be reported by the Clerk.

The Clerk read as follows:

Strike out "Guthrie" and insert "Oklahoma City."

The SPEAKER pro tempore. If there be no objection, it will be considered as so modified.

There was no objection.

Mr. MORGAN of Oklahoma. Mr. Speaker, it was through courtesy to my colleague [Mr. MCGUIRE] that I originally asked that the clerk's office should be located at the capital instead of moving an amendment requiring the office to be at Oklahoma City. I did not want to raise the question direct. But my real object was to serve the convenience of the people of the western district of Oklahoma. According to the recent census, Oklahoma has a population of nearly 1,700,000 people. At least one-half of this number resides in the western district of Oklahoma. Oklahoma City has a population, according to that census, of nearly 65,000 people. I am not positive as to the exact population of Guthrie——

Mr. MCGUIRE of Oklahoma. A little less than 30,000.

Mr. MORGAN of Oklahoma. My colleague says a little less than 30,000; my memory is that it is hardly 20,000. But at any rate Oklahoma City is the commercial and business center of that great State. People from all portions of that district go to Oklahoma City to transact other kinds of business, and you will certainly serve the people of that district by inserting the words "Oklahoma City" instead of "Guthrie." That is true, even if the capital should remain at Guthrie by decision of the Supreme Court of the United States. The real convenience of the people of that State demands that the clerk of the United States court shall be located at the chief commercial center, where a large amount of the business arises and where people go to transact other business.

Mr. MARTIN of South Dakota. What is the population of Oklahoma City?

Mr. MORGAN of Oklahoma. My understanding is that by the last census it was not quite 65,000, but by this time probably it is 70,000, because in 1900 it had only 10,000 and a fraction of population, and in 10 years it grew to be a city of nearly 65,000.

Now, what are the facts about the capital? The people initiated a bill under our constitution last summer and voted, by 40,000 majority, to locate the capital at Oklahoma City. The question was taken into the courts of the State, and the supreme court decided, as my colleague has said, that the election was invalid through a defect in the ticket on which the question was submitted. The supreme court also held that the provision in the enabling act requiring the capital to remain at Guthrie until 1913 was void. Under the decision of our supreme court the question was then left to the legislature of the State. Whether the supreme court of the State decided correctly or not is not involved in this question. While every member of that court differs from me in politics, yet I am glad to say that we have a very able supreme court, and the people of all political parties have, I think, as much confidence in their supreme court as the people in the average State in this Nation have in its supreme court. The provision in the enabling act having been held void, and the election having been held invalid, the legislature had power to locate the capital.

A special session was called for that purpose. Within the last month, almost by unanimous vote, the legislature located the capital at Oklahoma City. There our governor has recently been inaugurated; there our State legislature is in regular session; there our supreme court convenes and renders its decisions; and there practically all our State officers are transacting their business; and the people of the State generally recognize Oklahoma City as the capital. And there, too, should be located the office of the clerk of the western district. Eight

hundred thousand people should not be inconvenienced for the benefit of 25,000 residing in a single city. A large portion of my constituents voted for Guthrie and a large part of my colleague's constituents voted for Oklahoma City. So it is not a question of constituents. Oklahoma City is in my district, and I would do anything honorable in my power to advance her interests or for the benefit of her citizens; but I have offered this amendment and I urge its adoption in the interest of all the people of the western *judicial district*.

Mr. MANN. Is there a clerk's office at Oklahoma City?

Mr. MORGAN of Oklahoma. There is not. There is only one clerk's office.

Mr. MANN. The gentleman understands that this bill carries a provision authorizing the judge to locate a clerk's office at Oklahoma City, does he?

Mr. MORGAN of Oklahoma. I did not so understand it.

Mr. MANN. It does. There is a general provision in this bill authorizing the judge to locate a clerk's office at any place where one is not located by the bill where court is held, where public convenience will be expedited, so that the gentleman's city, unquestionably, on the showing, would obtain a clerk's office, anyway, presided over by a deputy instead of requiring the present clerk to move from Guthrie to Oklahoma City, and I suppose on the showing the *gentleman* has made one additional family would not cut much ice.

Mr. STEPHENS of Texas. Is it not the fact that that is the law at the present time?

Mr. MANN. I do not know whether it is or not. That will be the law when this bill goes into effect.

Mr. STEPHENS of Texas. We had a new court created in the northern district of Texas recently, and the judge appointed a clerk in that district.

Mr. MARTIN of South Dakota. I would suggest that this section 4 does not seem to me to make any radical changes in the present law. The clerk in each district has one main office, where the official records are kept. He may appoint deputies elsewhere, and it would make quite a difference to the convenience of the people whether the clerk's office is at the proper place where the business ought to be transacted, and at any time one may file papers and attorneys can have access to the general records.

Mr. MANN. I suggest to the gentleman that he might obviate all of the difficulty in reference to this matter if he would offer an amendment *similar* to a great many provisions in this bill:

The clerk of the court shall maintain an office in charge of himself or a deputy at Oklahoma City.

That sort of provision runs all through this bill in other places. That would take care of the convenience of the litigants without any trouble and would not require Congress at this time to eat dirt upon a bill that it passed here a few years ago.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. MOON of Pennsylvania. Mr. Speaker, in line with the suggestion I move the following amendment, which I send to the desk and ask to have read.

The SPEAKER pro tempore. Does the gentleman offer it as an amendment to the amendment?

Mr. MOON of Pennsylvania. I offer it as a substitute.

The Clerk read as follows:

At the end of the paragraph add: "and shall maintain an office in charge of himself or a deputy at Oklahoma City."

Mr. McGUIRE of Oklahoma. Mr. Speaker, in view of the fact that the gentleman has offered another amendment, I desire to state that it would be very pleasing to me if some such substitute as that suggested by the gentleman from Illinois [Mr. MANN] could be adopted. It would settle this difficulty. The situation is this: Regardless of the question as to where the capital is or as to when the location will be settled, the Federal judge lives at Guthrie. Since we became an organized Territory Guthrie has been the capital. He has lived at Guthrie since he moved to the Territory, probably 20 years ago. His property is there, his residence is there, and, in addition to his residence being there, the clerk lives at Guthrie. Now, it seems to me it would be a harsh thing to do to say to the judge or to the clerk that the clerk must have his residence in Oklahoma City when the judge lives up at Guthrie, because he evidently will not change, and the more convenient and desirable thing to do at this time would be to adopt such an amendment as that suggested by the gentleman from Illinois, that the clerk be required to maintain an office at Oklahoma City.

Mr. MOON of Pennsylvania. That leaves undisturbed the Guthrie office and maintains a regular office there.

Mr. MADISON. Mr. Speaker, I just want to make this statement about a fact as to which the chairman of the committee may not be advised, and that is that there are only about 35 miles between these two places.

There is absolutely no necessity, I should say, as a matter of convenience, for the establishment of a clerk's office at two places within 30 miles of each other; and as a matter of fact it is but a 40 minutes' run, and it is, perhaps, I think, less time by the interurban railroad which they are building.

Mr. MANN. That whole question will go to the question of a court at both places, and that has not been raised yet.

Mr. MADISON. I think so, so far as that is concerned; but, as a matter of fact, the great commercial city and the place where business is done is at Oklahoma City, and that is where this business ought to be transacted.

Mr. McGUIRE of Oklahoma. If the gentleman will permit a remark, I will say that I think he misunderstands the situation. There are more places in this district where Federal court is held. There is one at Enid, where there is already a deputy kept, and it is only about 50 miles from Guthrie, and there is one at Woodward and one at Lawton, and it will be necessary to keep records and deputies at those places.

Mr. MANN. Do I understand my friend from Oklahoma to state that this new State has already secured Federal courts so thick that they interfere with each other in walking?

Mr. McGUIRE of Oklahoma. The enabling act provided for it except at Woodward, the home town of my colleague [Mr. MORGAN], and through his efficiency this Congress has established a Federal court at Woodward. I hope the gentleman from Kansas and the gentlemen of the committee will understand that this would require the clerk to move to Oklahoma City, away from the judge, and the railroad facilities at Guthrie are just as good as at Oklahoma City, or better. I think Guthrie has more railroads, but the clerk does not want to move and the judge does not want to move, and I hope the substitute amendment will be adopted.

The SPEAKER pro tempore. The question is on the substitute offered by the gentleman from Pennsylvania to the amendment offered by the gentleman from Oklahoma.

The question was taken, and the substitute amendment was agreed to.

The SPEAKER pro tempore. The question is on the amendment as amended by the substitute.

The question was taken, and the amendment as amended was agreed to.

Mr. FERRIS. Mr. Speaker, before passing from this section I want to call the attention of the chairman of the committee, and also of the committee itself, to an amendment made to this section when it was considered heretofore to-day. In line 19, page 96, which contains this section under consideration, the gentleman from Oklahoma [Mr. MORGAN] inserted an amendment with reference to the town of Woodward. I have no objection to his amendment, but I do, however, want to make this observation, which I think the committee would wish to notice before passing it by: In allotting the time for holding court at each of these Federal court towns, while it does not prescribe any time verbatim to each town, it in fact does do so, because it goes along and says it shall begin the first Monday in a certain month at a particular court town, and then it provides that the succeeding term shall be held in a certain succeeding month. The result of it is this: In the bill as printed it provides that the court shall convene at Lawton—I am reading from line 19—on the first Monday in October. Now, the amendment put in by Mr. MORGAN is, "shall convene the first Monday in November at Woodward." Now, that leaves but one month allotted to the town of Lawton. You will notice in line 18, before that, the town of Enid is allotted four months, or would have four months intervening between the succeeding term at the next town. I have just had a conversation with gentlemen from Oklahoma [Mr. McGUIRE and Mr. MORGAN] in regard to this, and it is the consensus of opinion of all of us that the town of Lawton should have two months, and the town of Enid perhaps three months, and the town of Woodward two months, so by changing the word "October," in line 19, to "September," it would accomplish that result. Therefore I move to strike out in line 19, page 96, the word "October," and insert in lieu thereof the word "September."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Line 19, page 96, strike out the word "October," and insert the word "September."

Mr. MANN. Everybody knows the months between June and October; part is the vacation season. If the court is to sit an elective time at Enid——

Mr. FERRIS. That gives him three months.

Mr. MANN. It would give him two months at Enid, June and July, which would give August as his vacation. Well, if he is a good judge he ought to have a little longer vacation than that.

Mr. FERRIS. I have no objection to the suggestion made by the gentleman from Illinois.

Mr. MANN. Can not you arrange it in some other way? That is all I am speaking of. Probably the judge will not fall in love with the idea.

Mr. FERRIS. The existence of the court was provided for, but you omitted to put it in here, and so it became necessary to put it in precisely as the committee did; but in placing the time of convening on November 1 at Woodward you encroach on the time allowed the town of Lawton, and you take off two months, and I think only one month on leave would be a future cause for complaint by the courts, and that the committee would have to take it up in the future.

Mr. MANN. There is plenty of time. There are 12 months in the year. There are not many places which are not endeavoring to have the judge hold court, and if I lived in that country I would like to have a chance for a little vacation.

Mr. FERRIS. I think you will observe that the town of Enid having four months and the town of Lawton having but one month would be hardly fair, inasmuch as there is so much Indian business in the locality of Lawton and in the counties embodied in that district, and they ought to have two months as against the town of Enid having three months.

Mr. MANN. There are five places where they are to hold court in the district.

Mr. FERRIS. Precisely.

Mr. MANN. Is it not practicable to arrange it without interfering with anybody, so that you will not require the judge to hold court in September?

Mr. FERRIS. Enid is the only town allotted four months now, the town of Guthrie two months, Oklahoma City three months, and Woodward two months. I had thought we should take from the one having the longest period of time and add to the one having the shortest period of time. This seems equitable to me, and I am sure will be satisfactory to all concerned.

Mr. MANN. I am suggesting that possibly it might be practical to shorten up the period of time between some of the others. I would dislike to say, because I do not know. I think the gentleman will find it very unsatisfactory to require the judge to go there and hold court in September.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. STERLING. Mr. Speaker, I desire to call the attention of the chairman of the committee to an error on page 63, line 21. It provides for a deputy at Danville, Springfield, and East St. Louis. It should be Cairo instead of Springfield. The latter place is not in the eastern district.

Mr. MOON of Pennsylvania. That is a clerical error.

Mr. STERLING. Mr. Speaker, I ask unanimous consent to recur to page 63, for the purpose of making a correction.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. STERLING. Mr. Speaker, I desire to offer an amendment.

The SPEAKER pro tempore. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Line 21, page 63, strike out "Springfield" and insert "Cairo."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

LAWS RELATING TO THE JUDICIARY.

The Clerk read as follows:

SEC. 110. The State of Washington is divided into two districts, to be known as the eastern and western districts of Washington. The eastern district shall include the territory embraced on the 1st day of July, 1909, in the counties of Spokane, Stevens, Ferry, Okanogan, Chelan, Grant, Douglas, Lincoln, Kittitas, and Adams, with the waters thereof, including all Indian reservations within said counties, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of Asotin, Garfield, Whitman, Columbia, Franklin, Walla Walla, Benton, Klickitat, and Yakima, with the waters thereof, including all Indian reservations within said counties, which shall constitute the southern division of said district. Terms of the district court for the northern division shall be held at Spokane on the first Tuesdays in April and September; for the southern division, at Walla Walla on the first Tuesdays in June and December; and at North Yakima on the first Tuesdays in May and October. The western district shall include the territory embraced on the 1st day of July, 1909, in the counties of Whatcom, Skagit, Snohomish, King, San Juan, Island, Kitsap, Clallam, and Jefferson, with the waters thereof, including all Indian reservations within said counties, which shall constitute the northern division; also the territory embraced on the date last mentioned in the counties of Pierce, Mason, Thurston, Chehalis, Pacific, Lewis, Wahkiakum, Cowlitz, Clarke, and Skamania, with the waters thereof, including all Indian reservations within said counties, which shall constitute the western division of said district. Terms of the district court for the northern division shall be held at Bellingham on the first Tuesdays in April and October; at Seattle on the first Tuesdays in May and November; and for the western division at Tacoma on the first Tuesdays in February and July. The clerks of the courts for the eastern and western districts shall maintain an office in charge of himself or a deputy at each place in their *respective* districts where terms of court are required to be held.

Mr. MOON of Pennsylvania. Mr. Speaker, I move that on page 113, line 9, the word "northern" be stricken out and the word "eastern" inserted. It was a clerical error.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MOON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 113, line 9, strike out "northern" and insert "eastern."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 111. The State of West Virginia is divided into two districts, to be known as the northern and southern districts of West Virginia. The northern district shall include the territory embraced on the 1st day of July, 1909, in the counties of Hancock, Brooke, Ohio, Marshall, Tyler, Pleasants, Wood, Wirt, Ritchie, Doddridge, Wetzel, Monongalia, Marion, Harrison, Lewis, Gilmer, Calhoun, Upshur, Barbour, Taylor, Preston, Tucker, Randolph, Pendleton, Hardy, Grant, Mineral, Hampshire, Morgan, Berkeley, and Jefferson, with the waters thereof. Terms of the district court for the northern district shall be held at Wheeling on the first Tuesday in April and third Tuesday in September; at Clarksburg on the third Tuesday in April and first Tuesday in October; at Martinsburg on the second Tuesday in May and the third Tuesday in October; at Parkersburg on the second Tuesdays in January and June; and at Philippi on the fourth Tuesday in May and the first Tuesday in November: *Provided*, That a place for holding court at Philippi shall be furnished the Government free of cost by Barbour County until other provision is made therefor by law. The southern district shall include the territory embraced on the 1st day of July, 1909, in the counties of Jackson, Roane, Clay, Braxton, Webster, Nicholas, Pocahontas, Greenbrier, Fayette, Boone, Kanawha, Putnam, Mason, Cabell, Wayne, Lincoln, Logan, Mingo, Raleigh, Wyoming, McDowell, Mercer, Summers, and Monroe, with the waters thereof. Terms of the district court for the southern district shall be held at Charleston on the first Tuesday in June and the third Tuesday in November; at Huntington on the first Tuesday in April and the first Tuesday after the third Monday in September; at Bluefield on the first Tuesday in May and the third Tuesday in October; at Addison on the first Monday in September; and at Lewisburg on the second Tuesday in February: *Provided*, That accommodations for holding court at Addison shall be furnished without cost to the United States.

Mr. HUBBARD of West Virginia. Mr. Speaker, I desire to offer an amendment.

The SPEAKER pro tempore. The gentleman from West Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out of section 111 all after the word "held," in line 20, page 114, to and including the word "November," in line 1, page 115, and insert: "at Martinsburg, the first Tuesday of April and the third Tuesday of September; at Clarksburg, the second Tuesday of April and the first Tuesday of October; at Wheeling, the first Tuesday of May and the third Tuesday of October; at Philippi, the fourth Tuesday of May and first Tuesday of November; at Parkersburg, the second Tuesday of January and second Tuesday of June."

Mr. MOON of Pennsylvania. I understand the gentleman has arranged with the other gentlemen from West Virginia, and that it is satisfactory to them.

Mr. HUBBARD of West Virginia. I will say that the change proposed in this amendment is desired by the district judge, and meets with the approval of the United States circuit judge residing in that district.

Mr. MOON of Pennsylvania. I understand, then, that the change is for holding the court at one place or another, and does not increase the number of places?

Mr. HUBBARD of West Virginia. It changes the order in which the courts come at the different places of holding them, and affects the length of the spring terms at Martinsburg and Wheeling.

Mr. MANN. It does not make any change in the number of places?

Mr. HUBBARD of West Virginia. None.

Mr. MANN. Nor change them from where they now exist?

Mr. HUBBARD of West Virginia. It does not. At each of these places—Martinsburg and Wheeling—two weeks are now allowed for the spring terms. At Martinsburg it rarely happens that the court uses over three days, whereas at Wheeling two weeks is hardly sufficient. This amendment takes one week of the time from Martinsburg and allots it to Wheeling. In

the fall term at each place there are two weeks. The length of the fall terms is not changed by this amendment.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 112. The State of Wisconsin is divided into two districts, to be known as the eastern and western districts of Wisconsin. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Brown, Calumet, Dodge, Door, Florence, Fond du Lac, Forest, Green Lake, Kenosha, Kewaunee, Langlade, Manitowoc, Marinette, Marquette, Milwaukee, Oconto, Outagamie, Ozaukee, Racine, Shawano, Sheboygan, Walworth, Washington, Waukesha, Waupaca, Waushara, and Winnebago. Terms of the district court for said district shall be held at Milwaukee on the first Mondays in January and October; at Oshkosh on the second Tuesday in June; and at Green Bay on the first Tuesday in April. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Adams, Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Columbia, Crawford, Dane, Dunn, Douglas, Eau Claire, Grant, Green, Iowa, Iron, Jackson, Jefferson, Juneau, La Crosse, Lafayette, Lincoln, Marathon, Monroe, Oneida, Pepin, Pierce, Polk, Portage, Price, Richland, Rock, Rusk, St. Croix, Sauk, Sawyer, Taylor, Trempealeau, Vernon, Vilas, Washburn, and Wood. Terms of the district court for said district shall be held at Madison on the first Tuesday in December; at Eau Claire on the first Tuesday in June; at La Crosse on the third Tuesday in September; and at Superior on the fourth Tuesday in January and the second Tuesday in July. The district court for each of said districts shall be open at all times for the purpose of hearing and deciding causes of admiralty and maritime jurisdiction, so far as the same can be done without a jury. The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Madison, at La Crosse, and at Superior, which shall be kept open at all times for the transaction of the business of the court. The marshal for the western district shall appoint a deputy marshal, who shall reside and keep his office at Superior. All writs and other process, except criminal warrants, issued at Superior may be made returnable at Superior; and the clerk at that place shall keep in his office the original records of all actions, prosecutions, and special proceedings so commenced and pending therein. Criminal warrants may be returned at any place within the district where court is held. Whenever warrants issued at Superior shall be returned at any other place, the clerk of the court wherein the warrant is returned shall certify the same, under the seal of the court, together with the plea and other proceedings had thereon and the determination of the court upon such plea or proceedings, with all papers and orders filed in reference thereto, to the clerk of the court at Superior; and the clerk at Superior shall enter upon his records a minute of the proceedings had upon the return of said warrant, certified as aforesaid. All causes and proceedings instituted in the court at Superior shall be tried therein, unless, by consent of the parties or upon the order of the court, they are transferred to another place for trial.

Mr. BENNET of New York. I move to strike out the last word, for the purpose of asking the chairman of the committee what is the purpose of the provision in line 9, page 117. That is somewhat different from the provision relating to the other States. The language I mean is—

Criminal warrants may be returned at any place within the district where court is held. Whenever warrants issued at Superior shall be returned at any other place, the clerk of the court wherein the warrant is returned shall certify the same, etc.

Mr. MOON of Pennsylvania. There is no change in the law. That is a special provision made by act of Congress respecting that particular district.

Mr. MANN. What does it mean?

Mr. BENNET of New York. As the whole subject is now open, what is the purpose of it?

Mr. MOON of Pennsylvania. Let me see what the law is. The gentleman will recognize the fact that it is impossible for me to keep these things constantly in mind and answer on the spur of the moment. We took the law just as we found it. What was the object originally prompting its passage I am unable to tell. The act of February 25, 1909, Twenty-fifth Statutes at Large, page 547, provided just exactly what we have copied in this bill:

All writs and other process, except criminal warrants, issued at Superior may be made returnable at Superior, etc.

I will not attempt to read it all. It is the law as it appears in that legislation. Now, what the object was, what moved or prompted its passage, I am not able to tell the gentleman; but the committee felt that Congress had some good reason for adopting this provision. We believed that we were without the necessary information which would warrant us in striking down a law so recently enacted as that.

Mr. BENNET of New York. As I gather it, the court is held in that district at Madison, Eau Claire, La Crosse, and Superior. Therefore a man who is arrested, accused of a crime of which he might be innocent, whose residence is out of the territorial limit of the division where the cases are tried at Madison, can be taken to Superior, which, I assume, is the farthest away. It seems to me to be a very unusual provision.

Mr. MOON of Pennsylvania. It is. There are no divisions in that district, you know. There are various places of holding court only. It is an unusual provision, and I am not able to explain to the gentleman why it was passed. I have no doubt that the gentleman who introduced the bill and got it through the Judiciary Committee and finally through Congress could give the information.

Mr. BENNET of New York. The gentleman is a member of the Judiciary Committee, and was a member at that time, and was an able, a faithful, and an intelligent member.

Mr. MOON of Pennsylvania. Well, the gentleman does not have any recollection of the action of the committee or the action of the House or the reasons urged at that time. The gentleman had in his mind a great many other bills and other things. I can not give the gentleman the information he seeks. If there is anybody here from the State of Wisconsin that can, I would be very glad to call upon him to do so.

Mr. ROBINSON. Will the gentleman allow me to ask him a question?

Mr. BENNET of New York. Certainly.

Mr. ROBINSON. Under this provision would it not be possible, and is not it the purpose, to permit one charged with an offense to be carried from the immediate locality in which he lives or the court nearest where he lives to one the most remote from where he lives?

Mr. BENNET of New York. From the reading of it as it is here, whether that is the object or not, it seems to me that that could be done.

Mr. ROBINSON. Can the gentleman imagine such a situation existing in the State of Wisconsin, or anywhere, that might warrant such a provision?

Mr. MOON of Pennsylvania. I am not at this time able to state the circumstances, but I do rely upon the belief, which I should not want to have shaken, that Congress knew what it was doing at the time it passed it, and that there were peculiar conditions demanding this action, which conditions were stated to Congress at that time.

Mr. BENNET of New York. Does not the gentleman think that is possibly a violent presumption?

Mr. MOON of Pennsylvania. It may be; but it is one I like to indulge in.

Mr. ROBINSON. That particular provision may not have received that attention from Congress which its importance would seem to require. It is very unusual to provide that persons accused of crime may be tried anywhere in the district.

Mr. MANN. And more unusual for a matter to receive the attention from Congress that it requires.

Mr. ROBINSON. Not while the gentleman from Illinois [Mr. MANN] is present. [Laughter.]

Mr. BENNET of New York. I was assuming that this bill of 1909 was passed in the absence of the gentleman from Illinois; but if it was not, I should like to have him explain why he allowed it to pass, and what it means. It is a recent statute.

Mr. MANN. The chances are that it was passed by unanimous consent, at some time in the absence of every Member who is now on the floor, or else inserted as an item or amendment in the Senate.

Mr. NORRIS. Was it not passed when the chairman of the Judiciary Committee was a Representative from the State of Wisconsin, Mr. Jenkins?

Mr. MANN. It was.

Mr. ESCH. I will state for the information of the gentleman from Nebraska that the bill was originally introduced by Mr. Jenkins when he was chairman of the Committee on the Judiciary, and it was during his service as such chairman that the bill was passed. Originally he introduced a bill defining the divisions and naming the counties therein. There was opposition to that, and he substituted the measure which is incorporated in this law. What his reasons were, I do not know.

Mr. BENNET of New York. The chairman of the committee having the bill in charge having said that he does not know, and the gentleman from Illinois [Mr. MANN] having disclaimed responsibility, I should like to ask the gentleman from Wisconsin what is the reason why, in this particular division, the methods of procedure in criminal cases seem to be different from those in every other district.

Mr. ESCH. I do not know, unless it may be for the purpose of magnifying Superior.

Mr. NORRIS. It seems to me that is about the only effect of it. It transfers most of the business to Superior.

Mr. ESCH. I will state that Superior is at the head of the Great Lakes, and is about 200 miles from Eau Claire, the nearest other point at which the court is held, and there is a very large amount of business transacted at Superior, including a large number of admiralty cases. This may have been taken into consideration by Mr. Jenkins while chairman of the Committee on the Judiciary, and may have led him to frame a bill on these lines.

Mr. KEIFER. Are not all the admiralty cases tried at Superior?

Mr. ESCH. Yes; in this western division.

Mr. KEIFER. Are there any others in the State?

Mr. ESCH. At Milwaukee, in the eastern division.

Mr. ROBINSON. Is the gentleman from Wisconsin aware of and dissatisfaction among the citizens of Wisconsin, or among the lawyers, as to the practical workings of this measure?

Mr. ESCH. I have heard of none.

Mr. MANN. May I ask the gentleman from Wisconsin if it is not his impression that the real reason for inserting this provision was not to avoid the creation of another division of the court?

Mr. ESCH. I did not know that any other city was a rival; there has been none created since.

Mr. MANN. Was not there discussion at that time about creating another division?

Mr. ESCH. Yes. The original bill introduced by Mr. Jenkins embraced some counties in the northern part of the eastern division, all the counties bordering Lake Superior. Because of the kindred character of the litigation it was hoped that a district up there might be created.

Mr. MANN. And as a result of opposition to that this legislation was agreed to which did not create another division?

Mr. ESCH. Yes; it did not create another division, and, as far as I know, it was satisfactory.

Mr. BENNET of New York. Mr. Speaker, I withdraw the formal amendment.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed joint resolutions and bill of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 133. Joint resolution providing for the filling of a vacancy, to occur on January 23, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress;

S. J. Res. 131. Joint resolution authorizing the Secretary of War to receive, for instruction at the Military Academy at West Point, two Chinese subjects, to be designated hereafter by the Government of China; and

S. 6702. An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto.

LAWS RELATING TO THE JUDICIARY.

The Clerk read as follows:

SEC. 113. The State of Wyoming and the Yellowstone National Park shall constitute one judicial district, to be known as the district of Wyoming. Terms of the district court for said district shall be held at Cheyenne on the second Mondays in May and November; at Evanston on the second Tuesday in July; and at Lander on the first Monday in October; and the said court shall hold one session annually at Sheridan, and in said national park, on such dates as the court may order. The marshal and clerk of the said court shall each, respectively, appoint at least one deputy to reside at Evanston, and one to reside at Lander, unless he himself shall reside there, and shall also maintain an office at each of those places: *Provided*, That until a public building is provided at Lander, suitable accommodations for holding court in said town shall be furnished the Government at an expense not to exceed $300 annually. The marshal of the United States for the said district may appoint one or more deputy marshals for the Yellowstone National Park, who shall reside in said park.

Mr. MANN. Mr. Speaker, I move to strike out the last word, for the purpose of asking where the Yellowstone National Park is. [Laughter.] It seems to be located outside of any State of the Union, and I had always thought that that Territory had been admitted into the United States as a State.

Mr. PARSONS. It is partially in Montana and not all in Wyoming.

Mr. MANN. They have already created a district embracing the entire State of Montana.

Mr. KEIFER. Some of the Yellowstone National Park is in Idaho.

Mr. MANN. And they have created a district embracing the entire State of Idaho. I am trying to ascertain whether you have duplicated anything. I looked at the provision in relation to the State of Montana and also to the State of Idaho, and find that a district embraces the whole State of Montana and also the State of Idaho, and yet the parts of the Yellowstone National Park in those States have been covered into the district of Wyoming. It is important to correctly limit this district.

Mr. KEIFER. There is very little of the Yellowstone National Park in Montana and a very little in Idaho, but there is some of it in each.

Mr. MOON of Pennsylvania. I am not absolutely sure, but it is my impression that in the act creating the Yellowstone Park that park is reserved by the very language of the act itself.

Mr. MANN. Section 90 of this bill reads as follows:

SEC. 90. The State of Montana shall constitute one judicial district, to be known as the district of Montana. Terms of the district court shall be held at Helena on the first Mondays in April and November; at Butte on the first Tuesdays in February and September; and at Great Falls on the first Mondays in May and October. Causes, civil and criminal, may be transferred by the court or judge thereof from Helena to Butte or from Butte to Helena, or from Helena or Butte to Great Falls, or from Great Falls to Helena or Butte, in said district, when the convenience of the parties or the ends of justice would be promoted by the transfer; and any interlocutory order may be made by the court or judge thereof in either place.

That is the entire section. Now, the query is, if a crime be committed in that part of the Yellowstone National Park in the State of Montana, where is the perpetrator to be punished?

Mr. MOON of Pennsylvania. By the act admitting Wyoming to the Union it is provided as follows:

That said park for all the purposes of this act shall constitute a part of the United States judicial district of Wyoming, and the district and circuit courts of the United States in and for said district shall have jurisdiction of all offenses committed within said park.

Mr. MANN. Of course the enabling act has nothing to do with this question.

Mr. PARSONS. That is not the enabling act; that is the second section taken from the act creating the Yellowstone Park.

Mr. MANN. If you take in the whole of the Yellowstone Park in the district of Wyoming, you ought to exclude from Montana and Idaho the portions embraced in those States.

Mr. KEIFER. Are they not already excluded?

Mr. MANN. Not by this bill.

Mr. MOON of Pennsylvania. In my judgment they are already excluded by other acts.

Mr. MANN. This bill repeals all existing law.

Mr. NORRIS. If this bill should pass the condition suggested by the gentleman from Illinois would certainly arise, would it not?

Mr. MOON of Pennsylvania. If all existing law on that subject was repealed, yes; but we touch only the existing law with reference to the judiciary. We do not repeal any act that would repeal the provisions with reference to the Yellowstone Park, making it a part of the district of Wyoming.

Mr. NORRIS. I understand; but by this bill we say that certain portions of the Yellowstone National Park shall be included in the district of Montana, and certain other portions shall be included in the district of Idaho.

Mr. MOON of Pennsylvania. As I look at it, here is a vast national park which does not belong to the domain of any one of those States, but which belongs to the United States Government, and therefore, by legislation, is excluded from the territory of those States.

Mr. MANN. But not by this legislation.

Mr. MOON of Pennsylvania. No. Now, we create the judicial district in that State, which only embraced the territory belonging to the State, and it seems to me by implication that excludes other territory that has been withdrawn.

Mr. NORRIS. The gentleman's argument goes to the effect that no part of this park is in Idaho or in Montana, and if that is true, his argument is perfectly sound.

Mr. MOON of Pennsylvania. That I understand to be true; that it is entirely excluded from the territorial area of those States.

Mr. NORRIS. But that is disputed.

Mr. MANN. It can not be true.

Mr. MARTIN of South Dakota. There is a narrow strip of the Yellowstone Park in Idaho—a long, narrow strip running northerly and southerly on the western end of the park—and a strip about equal in area in Montana running east and west. The State line between Idaho and Wyoming and between Montana and Wyoming are each within the boundaries of the park.

Mr. KEIFER. It was only for the purpose of the court that it was attached to Wyoming.

Mr. GARRETT. On page 202 of this bill there is a paragraph which reads as follows:

Also all other acts and parts of acts, in so far as they are embraced within and superseded by this act, are hereby repealed; the remaining portions thereof to be and remain in force with the same effect and to the same extent as if this act had not been passed.

Therefore the section which has been read by the gentleman from New York, creating the State of Wyoming—I do not know whether it was in the enabling act—would not be repealed, because it is not embraced within or superseded by the provisions of this act.

Mr. MOON of Pennsylvania. Nobody is contending it would be repealed.

Mr. MANN. Under the existing law, in which district is that portion of the Yellowstone Park which is embraced within the State limits of the State of Montana?

Mr. MOON of Pennsylvania. This reports existing law without change:

The State of Wyoming and the Yellowstone National Park constitute one judicial district, to be known as the district of Wyoming.

Mr. KEIFER. That would be repealed by implication.

Mr. MANN. It would be very easy to say in section 90 that the State of Montana, excluding the Yellowstone National Park, shall constitute one judicial district.

Mr. KEIFER. Excluding such part as is in the State.

Mr. NORRIS. I would like to suggest to the gentleman in charge of the bill that in order to avoid any possible difficulty he ask unanimous consent to return to those two sections providing for Montana and Idaho. I have before me section 90, providing for Montana. I suggest that he offer an amendment——

Mr. MOON of Pennsylvania. What page is that?

Mr. NORRIS. Page 83. For instance—page 83, line 20—if after the word "Montana" he would offer an amendment to this effect, "except such part thereof as is included in the Yellowstone National Park," and a similar amendment for Idaho, I think the difficulty would be avoided.

Mr. PARSONS. May I suggest that it never was intended that the Yellowstone National Park should be exclusively in the Wyoming district?

Mr. NORRIS. Then we ought to put it, I suppose, in this section we are considering.

Mr. MANN. That for the purposes of an act creating a park it should constitute part of the United States judicial district of Wyoming; therefore it seems to me that the amendment should be to insert after the word "park," in line 25, page 117, the words "for the purposes of the act approved May 7, 1884," which was the act creating the park. Then, so far as that act was concerned, which is entitled "An act to protect the birds and animals of the Yellowstone National Park, to punish crimes in said park, and for other purposes," so far as that is concerned, the park is in the Wyoming district, and otherwise the park in Montana and Idaho would be in the Montana and Idaho districts. Now, the object, as I understand it, of having the park in one district is so the commissioner there will have jurisdiction. He has peculiar jurisdiction in the Yellowstone National Park, peculiar criminal jurisdiction, so that his jurisdiction will extend all over the park.

Mr. NORRIS. The amendment I have suggested would put the Yellowstone Park in one judicial district.

Mr. MOON of Pennsylvania. It cures any possible misapprehension.

Mr. NORRIS. That is the object of the amendment I have suggested. It ought to be, it seems to me, all in one judicial district. I do not see any reason why the park should be divided up.

Mr. MANN. I would like to call the attention of the gentleman from Nebraska to something that has just occurred to me.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. MANN. I ask unanimous consent to proceed for five minutes.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. The sixth amendment to the Constitution of the United States, which I suppose is still in force, is:

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law.

And so forth.

Mr. KEIFER. There is no trouble about that.

Mr. MANN. I think there will be trouble about that—about trying a man in Wyoming for an offense committed in the Yellowstone National Park.

Mr. KEIFER. Not in a Federal court in a fixed district——

Mr. MOON of Pennsylvania. Which we have done.

Mr. KEIFER. Which may cross the State line——

Mr. MANN. But can you make a district cross a State line under this provision?

Mr. KEIFER. Yes.

Mr. MANN. Where is it provided for it? Is not this provision about an impartial trial in the district in force? That is not a provision relating to a State constitution or a State line.

Mr. KEIFER. It relates to both.

Mr. MANN. Not at all; that is a limitation in trial of offenses against the United States.

Mr. MARTIN of South Dakota. There are many offenses committed that may not be within a State at all—in a Territory or in a district. The language of the constitutional amendment that the gentleman from Illinois refers to——

Mr. MANN. But if the offense is committed not in a State, then it is not committed in a State. It is in the State in which it is committed. I think the gentleman will see the point.

Mr. MARTIN of South Dakota. It would be quite a strain on the meaning of that amendment to say that the power does not exist in the Congress to arrange its judicial districts so that one judicial district may embrace two States.

Mr. MANN. Well, it is not so much a question of power. You can arrange it so you can try a man for a crime against the United States in a State other than the State in which he committed the offense.

Mr. MARTIN of South Dakota. For a crime against the laws of the United States—not of the State—of course.

Mr. MANN. Oh, certainly; I said an offense against the United States.

Mr. STEPHENS of Texas. Will the gentleman permit? I desire to cite the gentleman to the case of the Indian Territory. The Indian Territory having been divided between Arkansas and Texas——

Mr. MANN. That has nothing to do with the question at all. The Indian Territory was not a State; it was not committed in any State.

Mr. STEPHENS of Texas. It was committed in a——

Mr. ROBINSON. If a crime is committed within a State, the guaranty is that the trial shall be had in the State in which the crime is committed.

Mr. MANN. If the crime is committed on the high seas, it is not committed in a State, and hence can not be tried in the State. I may be wrong; I have never been posted sufficiently in the practice of criminal law to know.

Mr. MARTIN of South Dakota. I had always supposed, Mr. Speaker, that offenses that had been committed in one State against the laws of that State must be tried in the jurisdiction of the State, and an offense committed within the jurisdiction of the United States must be tried within the jurisdiction where it was committed, and that it did not make it necessary that the Federal district must be coextensive with the boundaries of the State.

Mr. MOON of Pennsylvania. Mr. Speaker, this has raised some interesting questions. The law reported by the committee here is existing law, but as chairman of the committee I would like to have more time on this matter, and therefore I ask unanimous consent that it be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

Mr. GARRETT. The gentleman from Pennsylvania [Mr. MOON] will recall that there was an agreement to consider an amendment on page 13, line 3, of the bill.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GARRETT] asks unanimous consent to return to page 13 for the purpose of offering an amendment.

Mr. GARRETT. There was an agreement that we return to this.

Mr. MOON of Pennsylvania. Mr. Speaker, I want to ask the gentleman from Tennessee to permit this matter to go over until the next time for taking up the bill, for this reason: The proposition involved in this amendment is a very important one. It is one that involves perhaps questions of constitutional power on the part of this House to make the amendment. At all events, it is one that involves very seriously the policy pursued by this Government for a great many years respecting the advisability of adopting an amendment so radical. It is one of the most important things in this whole bill thus far. It is now approaching 5 o'clock, the time for us to adjourn—people have gone away, and a quorum is not here. I feel that the gentleman from Tennessee agrees with me that it is a subject that ought to receive the most careful consideration of every Member of this House, and it ought to be debated and acted upon at a time when we have a quorum present. I will ask the gentleman, therefore, to consent to permit it to go over until the next day when this bill is called, and to take it up immediately after we enter upon the consideration of the bill.

Mr. MANN. Why not discuss it now? I would like to call the attention of the gentleman from Pennsylvania [Mr. MOON], in charge of the bill, to the fact that the next provision of the bill following, under chapter 6, involves the whole theory of this bill, namely, the abolition of circuit judges and the creation of judges of the court of appeals, which I apprehend will require some discussion and may determine whether the House will proceed in reference to the bill very far. The whole proposition in the bill is in the next page or two.

Mr. MOON of Pennsylvania. The next section does not involve that at all. That is existing law.

Mr. MANN. The section after the next section involves it. Section 115, on page 120, involves the whole proposition, really, in the bill.

Mr. MOON of Pennsylvania. The gentleman will observe that the next section has reference to the circuit court of appeals and does not alter the existing law at all. The problem he has in mind and one that underlies the whole bill is that which deprives the circuit court of its original jurisdiction. That is not involved in the next chapter.

Mr. MANN. It is really involved in the question coming up in reference to the circuit court of appeals.

Mr. MOON of Pennsylvania. That does not change the jurisdiction of the circuit court of appeals at all.

Mr. GARRETT. Mr. Speaker, I have no objection personally to the amendment offered by myself going over and being considered on the next day immediately upon this bill being taken up. The gentleman from Pennsylvania [Mr. MOON] spoke to me in regard to the matter awhile ago privately, and I said to him that there were a number of gentlemen here interested in this matter and who had been cooperating with me, in a measure, and who had been anxious to be here when the matter was on. Some of them will probably engage in a discussion of it, and I did not want to take the responsibility of agreeing to a further continuance of the matter unless it was satisfactory to them; and therefore I suggested that he put his request in the form of a request for unanimous consent. Personally I will not object.

Mr. NORRIS. Will the gentleman permit a question right there?

Mr. GARRETT. Certainly.

Mr. NORRIS. I would like to have him state, so it will get in the RECORD, the page of the CONGRESSIONAL RECORD, or the date, where the amendment offered will be found.

Mr. GARRETT. I will do so with pleasure, and in that connection I will ask permission to send it to the Clerk's desk and have it read, so that it may appear in the RECORD.

That will be proposed as a substitute for one of the amendments heretofore offered by myself.

The SPEAKER pro tempore. The Clerk will report the substitute.

The Clerk read as follows:

On page 23, at the end of section 28 as amended, substitute a colon for the period and add the following:

"*Provided further*, That no suit against a corporation or joint stock company brought in a court of a State within the district in which the plaintiff resides, or in which the cause of action arose, or within which the defendant has its principal place of business or carries on therein its principal business, shall be removed to any court of the United States on the ground of diverse citizenship."

Mr. GARRETT. Mr. Speaker, I was in error in saying that is a substitute. Of course it is to another and different section. It will, I think, take the place of the original amendment I offered; but it is to a different section, and technically will not be a substitute.

Now, in answer to the gentleman from Nebraska, the original amendment was printed in the RECORD of December 14, 1910, on page 309. If I may be permitted to state just here, it has been suggested, after a conference with the gentleman from Pennsylvania [Mr. MOON], the clerk of the Committee on Revision of the Laws, and others, that the purpose which is designed to be reached—and the gentleman from Pennsylvania is correct in saying that the amendment proposed here is a far-reaching amendment; it is a far-reaching amendment and was intended to be a far-reaching amendment. It has been suggested that the purpose sought to be reached can be perhaps better reached by the amendment just read at the Clerk's desk than would have been by the language contained in the amendment originally offered by myself.

Mr. MANN. Let me ask the gentleman a question.

Mr. GARRETT. Certainly.

Mr. MANN. Is the amendment as to the removal section on page 23?

Mr. GARRETT. I offered that to be read.

Mr. MANN. How about the amendment on page 13?

Mr. GARRETT. My judgment is that the passage of this amendment last offered will obviate the necessity for pressing the first amendment offered to section 13. But if the gentleman will pardon me, I also gave notice to the committee of an amendment to strike out from that section, on page 13, the words "if such instrument be payable to bearer and be not made by any corporation." I have not yet determined whether, under the language of the amendment just read from the Clerk's desk, it will be necessary to press that second amendment I have suggested.

Mr. MANN. Let me ask the gentleman if he did not reserve by agreement of the House the right to offer an amendment to page 13.

Mr. GARRETT. Yes, sir; and subsequently stating that it would probably be necessary to revert to the removal chapter; and there was an agreement that if necessary I should have that right.

Mr. MANN. The agreement relates to both of these.

Mr. GARRETT. That is correct.

Mr. MANN. How much time will be taken in debate on this proposition.

Mr. GARRETT. So far as I am concerned I do not know that I care to take up any further time. Some years ago I said all I had to say on the subject, and I put it in the RECORD again.

Mr. MANN. Undoubtedly the gentleman can remember what he said, but unfortunately his memory is better than the rest of us.

Mr. GARRETT. I put it in the RECORD of December 14.

Mr. MANN. If the gentleman will pardon me, I do not read fine print in the RECORD. I think they ought to abolish ever printing matter in small type in the RECORD. No man who has any respect for his eyesight will read that small type in the CONGRESSIONAL RECORD. I never will. I would not read the gentleman's speech in small type. If it were printed in the usual type I would read it with great pleasure if I had not the opportunity to hear it.

Mr. GARRETT. I feel confident if the gentleman had even started on the fine print he would have finished it, even at the expense of his eyes. [Laughter.]

Mr. MANN. That may be the reason why I did not start to read it. [Renewed laughter.]

Mr. GARRETT. Seriously, I do not know how much time will be taken in debate. There are some gentlemen who desire to discuss the matter. Personally I do not know how much discussion there will be. It will depend upon what is said in opposition. The gentleman from Arkansas [Mr. ROBINSON] will address the House.

Mr. MOON of Pennsylvania. Mr. Speaker, I ask unanimous consent that consideration of this amendment may go over until the next day that this work is taken up, and that it may then be considered at the beginning of the day when the bill is first taken up.

Mr. MANN. And then "shall be taken up."

Mr. GARRETT. I like that better.

Mr. THOMAS of Kentucky. Mr. Speaker, I have an amendment myself to section 24, line 10. Are we considering that section now?

Mr. MOON of Pennsylvania. No; we only returned to that section for an amendment already reserved. It is not open for general amendment. That amendment was reserved. I am asking unanimous consent as to the further consideration.

Mr. THOMAS of Kentucky. It was to come up at the same time for consideration. That amendment was reserved, striking out "two" and inserting "five," so as to make it "$5,000."

The SPEAKER pro tempore. If the present occupant of the chair understands the parliamentary situation, it is this: That when this section 24 was reached in due course it was passed without prejudice with certain amendments pending, with the agreement by unanimous consent that they should be considered to-day. Now, the gentleman from Pennsylvania [Mr. MOON] asks unanimous consent that that order be extended until the next day when this bill shall be under consideration, when the amendments shall be taken up and considered ahead of any other part of the bill.

Mr. MANN. May I suggest that that apply to sections 24 and 28?

The SPEAKER pro tempore. Does the gentleman from Pennsylvania modify his request to include section 28?

Mr. MOON of Pennsylvania. Yes.

Mr. MANN. So that these sections shall be taken up for amendment the first thing when the committee resumes consideration of this bill after to-day; is that it?

Mr. MOON of Pennsylvania. Does that mean amendments that may be offered or those pending?

Mr. MANN. Those pending.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to have read a proposed substitute for section 24.

The SPEAKER pro tempore. That is not in order at this moment. The request is that sections 24 and 28, with the amendments which have heretofore been ordered by the House to be considered pending, shall go over until the next day when this bill shall be under consideration, and shall then be considered first, before any other portion of the bill is taken up.

Mr. WILSON of Pennsylvania. I presume this arrangement does not include those amendments that I spoke of taking up when we reach sections 249, 250, and 251.

Mr. MANN. It does not affect those at all. It does not cut them out.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. STEPHENS of Texas. Mr. Speaker, is it in order now to request to have printed in the RECORD a substitute that I desire to offer for the amendment of the gentleman from Tennessee [Mr. GARRETT] when this matter comes up?

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to have printed in the RECORD at this point a substitute amendment which he proposes to offer for an amendment already offered to section 24. Is there objection?

There was no objection.

The proposed amendment of Mr. STEPHENS of Texas is as follows:

SEC. 24. That the district and circuit courts of the United States shall not take and have original cognizance of any suit of a civil nature, either at common law or in equity, between a corporation created or organized by or under the laws of any State and a citizen of any State in which such corporation at the time the cause of action accrued may have been carrying on any business authorized by the law creating it, except in cases arising under the patent laws or copyright laws and in like cases in which courts are authorized to take original cognizance of suits between citizens of the same State; nor shall any such suit between such corporation and a citizen or citizens of a State in which it may be doing business be removed to any circuit court of the United States except in like cases in which such removal is authorized by the existing law in suits between citizens of the same State: *Provided*, That nothing herein contained shall prevent a citizen of another State from suing a corporation in the State of its domicile: *And provided further*, That nothing in this act shall be so construed as to affect suits pending in the courts of the United States at the time this act shall take effect.

Mr. BENNET of New York. I ask unanimous consent to print in the RECORD a recent address of President Taft in relation to international peace.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD for the purpose indicated. Is there objection?

There was no objection.

The address of President Taft, referred to, is as follows:

[Address of President Taft at the banquet of the American Society for the Judicial Settlement of International Disputes, at the New Willard, Washington, D. C., December 17, 1910.]

We hear a great deal nowadays of movements and societies and legislative resolutions in favor of international peace, and I assume that no one would wish to be put in the position of denying that peace contributes greatly to the happiness of mankind, or of advocating war as an institution to be fostered in and of itself. To say that one is in favor of peace is not much more startling than to say that one is in favor of honesty, in favor of virtue, in favor of good, and opposed to evil. That from which the world can derive the most benefit is a practical suggestion leading to more permanent peace. Many have thought that this could be brought about by an agreement among the powers to disarm, and some sort of a convention by which the race to bankruptcy in the maintenance of great armies and the construction of great navies might cease and a gradual disarmament follow. Future events may justify some different conclusion, but movements in the past along this line have not been fruitful of practical results. Bankruptcy and the burdensome weight of debt involved in continued armament may bring about a change in the present national tendencies. Meantime, however, I am strongly convinced that the best method of ultimately securing disarmament is the establishment of an international court and the development of a code of international equity which nations will recognize as affording a better method of settling international controversies than war. We must have some method of settling issues between nations, and if we do not have arbitration, we shall have war. Of course the awful results of war with its modern armaments and frightful cost of life and treasure, and its inevitable shaking of dynasties and governments, have made nations more chary of resort to the sword than ever before; and the present, therefore, because of this, would seem to be an excellent time for pressing the substitution of courts for force.

I am glad to come here and to give my voice in favor of the establishment of a permanent international court. I sincerely hope that the negotiations which Secretary Knox has initiated in favor of an international prize court—after the establishment of that court—will involve the enlargement of that court into a general arbitral court for international matters. It is quite likely that the provisions for the constitution of the arbitral court will have to be different somewhat from those that govern the selection of members of the prize court, but I am glad to think that the two movements are in the same direction and are both likely to be successful.

What teaches nations and peoples the possibility of permanent peace is the actual settlement of controversies by courts of arbitration. The settlement of the *Alabama* controversy by the Geneva arbitration, the settlement of the seals controversy by the Paris tribunal, the settlement of the Newfoundland fisheries controversy by The Hague tribunal are three great substantial steps toward permanent peace, three facts accomplished that have done more for the cause than anything else in history.

If now we can negotiate and put through a positive agreement with some great nation to abide the adjudication of an international arbitral court in every issue which can not be settled by negotiation, no matter what it involves, whether honor, territory, or money, we shall have made a long step forward by demonstrating that it is possible for two nations at least to establish as between them the same system of due process of law that exists between individuals under a government.

It seems to be the view of many that it is inconsistent for those of us who advocate any kind of preparation for war or any maintenance of armed force or fortification to raise our voices for peaceful means of settling international controversies. But I think this view is quite unjust and is not practical. We only recognize existing conditions and know that we have not reached a point where war is impossible or out of the question, and do not believe that the point has been reached in which all nations are so constituted that they may not at times violate their national obligations.

Take, thus, the question of the Panama Canal. We have a property which when completed will be worth $400,000,000—at least, it will have cost us that. It has been built not alone to further the cause of the world's commerce, but also to bring our eastern and western seaboards closer together and to secure us the military benefit enabling our naval fleet to pass quickly from one ocean to the other. Now, the works of the canal are of such a character that a war vessel might easily put the canal out of commission. We are authorized to police the canal and protect it, and we have the treaty right to erect fortifications there. Fortifications are the best and most secure method of protecting that canal against the attack of some irresponsible nation or armed force. It is said that we could neutralize the canal and by inducing all nations to agree not to attack the canal secure its immunity from injury. But the trouble is that nations are quite as likely as men to violate their obligations under great stress like that of war. It seems to me that we ought to put ourselves in a position with reference to this very valuable and delicate piece of property so that, should any nation forget its obligation, we will be in a position to prevent unlawful injury to this instrument of commerce so valuable to the world and so indispensable to us. The fact that we fortify the canal will not prevent us from discharging all international obligations that we may have in respect to it, but it will enable us to defend ourselves in its possession against the act of every irresponsible force or nation. It will not prevent our maintaining its neutrality if that is wise and right.

I would like to invite attention to an interesting incident within the last month. Suppose a *Dreadnought* under the command of the men who have recently been in command of *Dreadnoughts* were to seek entrance to that canal by force. What we need is something to defend what is ours, and because we have the means of defending it is no reason why we should not neutralize the canal completely if that be wise.

Again, our strong feeling in favor of peace, it seems to me, ought not to prevent our taking the proper steps under existing conditions to maintain our national defenses. We have on the continent of the United States excellent coast defenses for every important harbor that an enemy could enter. We probably ought to see to it that we have ammunition and guns enough for ready use in case of emergency. We have a small but very efficient Army of 80,000 men. We have a militia of about 125,000 men. The Army is so constituted that we could enlarge it from a skeleton organization into a much larger body. We ought to have more trained officers, so as to furnish the teachers to a larger body of men that war might require us to enlist.

There has been a good deal of talk in the papers, and some reference in Congress, to the supposed helpless condition of this country in the event of a foreign invasion. I venture to think that much more has been made of this than the facts, calmly considered, would justify. We have a very good Navy, and with the opening of the Panama Canal it will be a much more effective one. It would be useful to prevent the coming of an invading army across the seas.

The people of this country will never consent to the maintenance of a standing army which military experts would pronounce sufficiently large to cope in battle with the standing armies of Europe, should they get by our Navy, avoid our harbor defenses, and descend upon our coast. If this leaves us in a position of helplessness, then so be it. For those who understand the popular will in this country know that it can not be otherwise. We shall do everything in the way of wise military preparation if we maintain our present Regular Army, if we continue to improve the National Militia, if we pass the pending volunteer bill, to go into operation when war is declared and not to involve the Nation in a dollar's worth of expense until the emergency arises; if we pass a law, now pending in Congress, which will give us a force of additional officers trained in the military art, and able in times of peace to render efficient service in drilling the militia of the States, and in filling useful quasi-civil positions that are of the utmost advantage to the Government, and if we in a reasonable time accumulate guns and ammunition enough to equip and arm the force we could enlist under our colors in an emergency.

This discussion of needed military preparations does not sound very well at a peace meeting, but the trouble about a peace meeting is that it seems to me to be just one-half of the picture, and I want to introduce the whole picture in order that what is resolved here and what is said here may be understood to be said with a view to existing conditions and to the practical truth.

I have said this much in order to allay the so-called war scare which has furnished pabulum for the newspapers during the last few days. There is not the slightest reason for such a sensation. We are at peace with all the nations of the world, and are quite likely to remain so as far as we can see into the future. Just a little more forethought, a little more attention to the matter on the part of Congress, and we shall have all of the Army and all of the munitions and material of war that we ought to have in a republic situated, as we are, 3,000 miles on the one hand and 5,000 miles on the other, from the source of possible invasion. Our Army is much more expensive per man than that of any other nation, and it is not an unmixed evil that it is so, because it necessarily restricts us to the maintenance of a force which is indispensable in the ordinary policing of this country and our dependencies and furnishes an additional reason for our using every endeavor to maintain peace.

I congratulate this association on the recent foundation of Mr. Carnegie, by which, under the wise guidance of Mr. ELIHU ROOT, Mr. Knox, and their associates, an income of half a million of dollars annually is to be expended in the practical promotion of movements to secure permanent peace. The wide discretion given to the trustees and their known ability, foresight, and common sense insure the usefulness of the gift.

War has not disappeared and history will not be free from it for years to come, but the worst pessimist can not be blind to the fact that in the last 25 years long steps have been taken in the direction of the peaceful settlement of international controversies, and the establishment of a general arbitral court for all nations is no longer the figment of the brain of a dreamy enthusiast.

The Clerk read as follows:

SEC. 115. There is hereby created in each circuit a circuit court of appeals, which shall consist of three judges, of whom two shall constitute a quorum, and which shall be a court of record, with appellate jurisdiction, as hereinafter limited and established.

Mr. MANN. Mr. Speaker, on page 120, line 8, I move to amend by striking out the words "is hereby created" and inserting the words "shall be."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 120, line 8, strike out the words "is hereby created" and insert in lieu thereof the words "shall be."

The amendment was agreed to.

The Clerk read as follows:

SEC. 116. There shall be in the second, seventh, and eighth circuits, respectively, four circuit judges, and in each of the other circuits, three circuit judges, to be appointed by the President, by and with the advice and consent of the Senate. They shall be entitled to receive a salary at the rate of $7,000 a year each, payable monthly. Each circuit judge shall reside within his circuit.

Mr. MOON of Pennsylvania. Mr. Speaker, I move to amend by inserting the amendment I send to the Clerk's desk.

The Clerk read as follows:

Section 116, on page 120, line 14, before the word "and," insert the words "in the fourth circuit two circuit judges."

The amendment was agreed to.

Mr. PARSONS. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amend section 116 by adding at the end thereof, after the word "circuit," in line 19, page 120, the words "and shall have throughout his circuit the powers and jurisdiction of a district judge."

Mr. PARSONS. Mr. Speaker, the object of that amendment is to give to the circuit judges the powers that they now have. It is not a committee amendment, and the chairman of the committee asks that it go over and be taken up later; and therefore I ask unanimous consent that it be passed over, to be taken up after the amendments to paragraphs 24 and 28.

Mr. MANN. Reserving the right to object, I want to ask the gentleman a question. The purpose of that is, as I understand it, and I ask for information, to permit a circuit judge who may not be engaged in the circuit court of appeals to do the work of a district judge.

Mr. PARSONS. Exactly. Under section 18, as we passed it, that can be done if an order is entered, but under this amendment it can be done without any order and at any time. I will discuss it more at length when we reach it.

The SPEAKER pro tempore. The gentleman asks unanimous consent that the consideration of the amendment be deferred until after the consideration of sections 24 and 28.

Mr. PARKER. Reserving the right to object, and I am in favor of the amendment, does this cover the question of the circuit justice; can he sit as a district judge?

Mr. PARSONS. No; it does not cover it.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BENNET of New York. Mr. Speaker, I move to amend by striking out the word "seven," in line 18, page 120, and inserting in lieu thereof the word "ten."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 120, line 18, strike out the word "seven" and insert the word "ten."

Mr. BENNET of New York. Mr. Speaker, the purpose of this amendment is to increase the salaries of the circuit court judges from $7,000 a year to $10,000 a year. Of course the increase would apply equally to all the circuit court judges. I am not so familiar with conditions in other parts of the United States as I am with conditions in the circuit in which I myself live, but the salary of $7,000 a year for a circuit judge, and of $6,000 a year for a district court judge, make it absolutely impossible to attract to that high and extremely important and powerful office the kind of men who ought to be there.

There is some talk in the newspapers, I am glad to say, that an existing vacancy among the circuit court judges may be filled by the appointment of one of two Members of this House, both of whom are men we equally praise. If either of those gentlemen accepts the position, he accepts a position which, while not a position of greater dignity, is certainly a position of greater power, at a financial sacrifice to himself. All over the country where men are accepting these circuit court judgeships, if they are the kind of men who ought to be there, they are doing it at tremendous financial sacrifice. Ten thousand dollars a year is not a high salary for a judicial office. It is less than is paid the nisi prius judges in the State in which I have the honor to live, and it is much less than the kind of men who argue the important cases before these judges receive as professional income during the ordinary year.

Mr. STEPHENS of Texas. Is it not a fact that the amount paid now, $6,000, is sufficient to induce men to quit this House as Congressmen and accept the judgeship?

Mr. BENNET of New York. Mr. Speaker, I had the honor to join in recommending Judge Russell, because of his superior attainments, and I appreciate as much as the gentleman from Texas [Mr. STEPHENS] does the high and lofty patriotism that induced Judge Russell to leave a more lucrative position. As I understand it, he is not a man of great financial means. He accepted that judicial position at a lower salary, but because he did so, because other men are doing it, because they do sacrifice, as did Judge Russell, a portion of their incomes—and doubtless he misses that—is no reason why men of that caliber who can earn much more than $10,000, for which my amendments provide, should be paid so low a salary.

Mr. STEPHENS of Texas. Does the gentleman not think that we can get a great many men all over this country who are able and willing to fill these positions at $6,000 a year?

Mr. BENNET of New York. Oh, men can be obtained, but in the eastern district of New York, where there is now a provision for a new judge, where the vacancy has existed since last June, the appointing power is embarrassed by the fact that he does not feel that he can ask the leaders of the bar within that district to give up lucrative practices to accept the $6,000, which is the salary that goes with that position.

Mr. COX of Indiana. I suppose that all of the various courts in the gentleman's State, Federal courts, are filled well from the viewpoint of ability.

Mr. BENNET of New York. Some of them are and some might be better filled.

Mr. COX of Indiana. The gentleman would say that as a rule they are ably filled, would he not?

Mr. BENNET of New York. They are filled in every instance by men who could resign to-morrow and go out into general practice and make twice the amount of their salaries.

Mr. COX of Indiana. Have any of them resigned within the last number of years in the State of New York?

Mr. BENNET of New York. Not within recent years; but men have resigned. I do not intend to go through the catalogue of the judges and give the reasons which induced each one to accept.

Mr. COX of Indiana. Well, in the State of New York, does the gentleman know of any who have resigned in the last few years?

Mr. BENNET of New York. When a man has made up his mind to make the necessary sacrifice and has taken the position and has submitted to the loss, of course he stays; but not one man in my recollection in my 40 years' residence in the southern district of New York has gone upon the Federal bench except at a financial sacrifice.

Mr. COX of Indiana. Well, they are patriots.

Mr. BENNET of New York. I do not want to glorify them. They have a sense of duty. They are attracted, in some degree no doubt, by the honor; but why should we limit the appointing power so that he must select the appointees from the class of men who ought not to be appointed or from among the limited number of those who are fully qualified for appointment and who for some reason or other, because of inherited wealth or advancing years or of Spartan willingness to give up many of the luxuries to which they have become accustomed, are ready to accept these positions?

The increase I suggest is not very extensive, but will make the salary more commensurate with the dignity and importance of the office.

Mr. STEPHENS of Texas. May I ask the gentleman a question?

Mr. BENNET of New York. Certainly.

Mr. STEPHENS of Texas. If we increase the salary of these judges that you mention—circuit judges—why not increase also the salary of the district judges that do as much work and are on the bench longer during the year than the circuit court judges?

Mr. BENNET of New York. I will vote for any such amendment that is offered.

Mr. STEPHENS of Texas. But I am opposed to both of them; I do not think either one should be increased.

Mr. MANN. These courts of appeal now take the place of practically the Supreme Court and do the work now which the Supreme Court used to do, and most of them are as important now as the Supreme Court was not many years ago.

Mr. STEPHENS of Texas. But is it not a fact that there is more work in the trial courts than the appellate courts and that they sit more months in the year?

Mr. MANN. It is a fact. You can say there is more work in a justice of the peace office than in the office of a judge of the Supreme Court, but I never heard that advanced as an argument in favor of an equalization of their salaries.

Mr. STEPHENS of Texas. Does the gentleman assume the President would appoint a justice of the peace to these important offices?

Mr. MANN. Not our present President.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BENNET of New York. I ask unanimous consent to speak for five minutes additional.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. AUSTIN. I want to ask the gentleman if he knew Representative MACON was not in his seat when he offered this amendment?

Mr. BENNET of New York. The amendment is not subject to a point of order. I do not particularly care to be diverted to a side issue in that way. I am thoroughly and earnestly in favor of increasing this salary, and I think that the judgment of the Members of the House who have given this thought, because, of course, we can not give thought to all questions, is in favor of some slight increase, at least, in the salaries of these most important officials.

Mr. SABATH. Will the gentleman yield for a question? If the House should increase the salaries, will not that deprive any Member of this House from accepting or receiving an appointment as a circuit court judge?

Mr. BENNET of New York. Why, the gentleman is, of course, letter perfect in the Constitution. It would prevent any Member of this present House from accepting a judicial appointment until the 4th of March, but after that time it would not prohibit it.

Mr. MANN. It could not very well prevent it until it became a law; and if this bill becomes a law it will not be until the 4th of March.

Mr. BENNET of New York. So it would deprive Members of the appointment about 36 hours.

Mr. SABATH. Is that all?

Mr. BENNET of New York. That is all.

Mr. SABATH. I am informed that there is a vacancy in the district from which the gentleman comes.

Mr. BENNET of New York. The gentleman is entirely in error, which is quite an unusual position for him to be in, but he is.

Mr. SABATH. Did not the gentleman state there has been a vacancy in that circuit ever since June——

Mr. BENNET of New York. There is a vacancy in the eastern district of New York, in which I do not live.

Mr. SABATH. Inasmuch as I am acquainted with some Members of your State who now represent the State of New York in that district whom I know are qualified to fill that position, I do not desire to place them in a position of being obliged to refuse or not being in a position to accept.

Mr. BENNET of New York. The only vacancy I know of now existing is that caused by the promotion of Judge Van Devanter to the Supreme Court. As I have stated, and the gentleman from Illinois stated, this bill, if it becomes a law, will not probably become a law until the 4th day of March, and any disqualification on any Member which existed at the moment it passes will be removed by the next 4th of March, and, much as we love our colleagues, we should not allow the possible judicial ambition of any gentleman to weigh against justice for the circuit judges.

Mr. WEBB. It would not cut off those elected to the Sixty-second Congress also?

Mr. BENNET of New York. It would not.

Mr. MOON of Pennsylvania. Mr. Speaker, I sincerely trust that the gentleman from New York [Mr. BENNET] will not press this amendment at this time. Now, it is perhaps well known in the House that I have introduced the bill to accomplish this very purpose, and that that bill has been pending before the Judiciary Committee for many months, and that I am therefore entirely in favor of the proposition of increasing the salaries of Federal judges; but I do not think it wise to attempt to put it upon this bill. It is a matter of sufficient importance to warrant its being considered in a bill by itself. I want to say to the gentleman that the Judiciary Committee this morning reported out with favorable recommendation a bill of that kind, which will, perhaps, or, at least, I hope, come before this House.

Mr. COX of Indiana. Will the gentleman yield?

Mr. MOON of Pennsylvania. Yes.

Mr. COX of Indiana. Was it a unanimous report?

Mr. MOON of Pennsylvania. No; it was not. But here is the great work of codifying all of the laws relating to the judiciary, and I do not believe in adding to it this subject, upon which there does exist a very wide difference of opinion in this House, as I judge from what I know of the temper of the House, and I have learned, because I am the author of that bill, that there will be a very considerable opposition to the increase of the judges' salaries. And I do think it unwise to attempt to append that to this bill for the codification of the laws relating to the judiciary, and I wish it might be possible for the gentleman, in the interest of good legislation—in the interest of this legislation—to aid us in our serious attempt to get through with this codification bill by withdrawing that amendment.

Mr. BENNET of New York. I will do this, and meet the gentleman half way. My colleague has an amendment to the same section.

Mr. MANN. I am going to offer an amendment also. The gentleman need not take the trouble to withdraw it.

Mr. BENNET of New York. It is now 10 minutes to 5 o'clock. Why could not all three amendments go over together and come up at some other time?

Mr. MANN. Mr. Speaker, I move to amend the amendment by striking out "ten" and inserting "eight."

The SPEAKER pro tempore. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out of the amendment the word "ten" and insert the word "eight."

Mr. MANN. Now, Mr. Speaker, the bill that was reported from the Committee on the Judiciary of course can not be reached for consideration at this session of Congress. There is only one of four ways by which it can be reached now. One would be by special rule, which it will not get; one by unanimous consent, which it will not receive; one by suspension of the rules, which it would not carry; and one by being reached on "holy Wednesday," which it will not be. The Committee on the Judiciary will not be reached on calendar Wednesday, in all probability, at this session; certainly not, if we proceed any further with this bill. There may be five more calendar Wednesdays, and there is business enough on the calendar ahead of the Judiciary Committee to occupy that time if the House proceeds with that business, unless for some reason the House should refuse to consider other business in order to hurry to the consideration of the bill increasing the salaries of the judges, which I regard as unlikely. It seems to me it may be just as well for two reasons to have the vote on these propositions. One is to give peace of mind to the judges and to the lawyers throughout the country who are now very gravely disturbed for fear everybody on the bench will resign or die in poverty.

Personally, I do not regard it as important at this time that we increase the salaries of the judges, and yet I think we might well make a reasonable increase in the salaries of these judges of the court of appeals and raise their salary as we are raising their position, by this bill, from $7,000 a year to $8,000 a year. I had purposed, when the place was reached in this bill, to offer an amendment increasing the salary of the Chief Justice of the United States from $13,000 to $15,000 a year and of the Associate Justices from $12,500 a year to $14,500 a year. We can afford to make a reasonable and not a high increase in the salaries of these judges, and can afford to do it now. And if we do not do it now, we can afford to express our opinion upon the subject now, so that the judgment of the House will be taken; and if the judgment of the House is against the increase of the salaries, the judges may pursue their occupation of deciding cases and the lawyers their occupation of trying cases, instead of worrying about this proposition.

Mr. STAFFORD. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. STAFFORD. The gentleman, I suppose, in his scheme of providing increases of salary for the Federal judges intends to increase the salary of district judges?

Mr. MANN. I had not so intended, so far as I am concerned.

Mr. STAFFORD. I think they have just as meritorious a claim for increase as the other judges.

Mr. MANN. There is quite a difference between paying your appellate court judges high salaries and paying the circuit court judges high salaries—quite a difference. Everyone recognizes that it is desirable to pay your appellate court, practically a court of last resort, as this court is practically a court of last resort—a reasonably high salary. That is a different proposition.

Mr. STAFFORD. But in the case of these appellate judges, their expenses are paid when they hold court away from their homes, whereas the district judges are obliged to pay their expenses out of their own salary; and the $6,000 salary of the district judges is not commensurate with the $8,000 the gentleman proposes for the appellate judges, who have their expenses paid.

Mr. MANN. I think the relation of the $6,000 for the trial judge and the $8,000 for the man who tries the same case on appeal is a fair relation.

Mr. PARSONS. How about the $6,000 salary of the trial judge and the $14,500 the gentleman would give the Supreme Court Judges, more than twice as much. You are going to make the Supreme Court Judge's salary $14,500; why not give the district judge, the trial judge, more than $6,000?

Mr. MANN. The question as to the district judge is not up. Now, I am perfectly willing to meet that when it comes up. Is the gentleman in favor of increasing the salary of the Supreme Court Judge? I will give him a chance to say he is, because I know he is.

Mr. PARSONS. I am. [Laughter.]

Mr. WEBB. In every circuit court of appeals in the United States district judges sit, and not only are trial judges but judges on the circuit court of appeals itself. Why should not they receive more?

Mr. COX of Indiana. Mr. Speaker, I am opposed to the amendment offered by the gentleman from New York, and I am opposed to the amendment offered by the gentleman from Illinois. The gentleman from Illinois the other day made a very significant remark, if not a very strong argument, upon a matter pending before the House, when he said that certain people were more interested in getting money out of the Treasury of the United States than they were in getting money into the Treasury.

Now, whence comes this universal demand and clamor for an increase of salary of the Federal judges? These gentlemen have occupied this important position and have gotten along for a number of years very well upon the salary which they have received all the while—$7,000. In addition to the bars of the country being instrumental in increasing the salaries of the judges, recently I have received letters from manufacturing associations in my own State asking me if it be within the range of possibilities that I could support a certain bill pending before Congress proposing to increase the salaries of Federal judges. Why this appeal made by manufacturers' associations throughout the United States? I take it that they have not only sent these appeals to me, but that every Member of this House has received petitions from manufacturing institutions throughout the land asking them to support bills increasing the salaries of Federal court judges. So while the bar and lawyers throughout the country, in sympathy perchance with the Federal courts and the judges under whom they must practice law, may be desirous of seeing their salaries increased, there is a potential power, an unseen power or organization working in every way to get up a bill in Congress giving the Federal court judges an increase in salary. I am unalterably opposed to it.

I am of the opinion that one of the greatest evils that we have at the present time is the constant clamor for increasing salaries. If officials find they can not get it in one way they seek to accomplish it by another. Not only am I opposed to the amendment now offered, but if the bill of the gentleman from Pennsylvania ever comes before the House I shall take delight in opposing it. The first thing that a man wants when he gets into a position under the Government is to have his salary increased. I know of no law that compels any man serving in any official capacity staying in it if the salary is not large enough. If he can make more money by giving up the office and practicing law, amen, let him go. Therefore I am opposed to the amendment offered by the gentleman from New York as well as the amendment of the gentleman from Illinois.

Mr. STEPHENS of Texas. What salary is paid to the judges of your supreme court in Indiana?

Mr. COX of Indiana. Six thousand dollars.

Mr. STEPHENS of Texas. Are they well qualified?

Mr. COX of Indiana. Undoubtedly; Indiana has as strong a supreme court as any State.

Mr. STEPHENS of Texas. Have you examined what is paid to the supreme court judges of the other States? They get $4,500 in mine.

Mr. PARSONS. I will ask the gentleman if the Federal judges in New York should not receive more than they do now, inasmuch as the State judges in New York are paid $17,500 a year.

Mr. COX of Indiana. Will the gentleman repeat his question?

Mr. PARSONS. Do you not think that the Federal judges who sit in the State of New York and the city of New York should receive more pay, when the judges of the State courts there now receive $17,500?

Mr. COX of Indiana. No; I do not. If it is salary that is the moving power behind each man, I would say move into the State of New York and become a candidate for the supreme bench of the State of New York and let him get a higher salary.

Mr. MICHAEL E. DRISCOLL. The city of New York contributes the greater part of that pay.

Mr. COX of Indiana. Yes; but there is only one Wall Street in the United States, and that is in New York City. Federal judges are retired on full salary at the age of 70, and this is an inducement, no doubt, for many a lawyer to accept a position as Federal judge, with the positive assurance that the "wolf will be kept from the door." I believe their salary is large enough. They are not overworked, and for the work they do their salary is commensurate.

Mr. MOON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. Pending that motion the Chair desires to lay before the House a message from the President of the United States.

OPIUM AND OTHER HABIT-FORMING DRUGS.

The SPEAKER pro tempore laid before the House the following message from the President of the United States (S. Doc. No. 736), which was read, referred to the Committee on Ways and Means, and ordered to be printed:

To the Senate and House of Representatives:

In my annual message transmitted to the Congress on December 7, 1909, I referred to the International Opium Commission as follows:

> The results of the Opium Commission, held at Shanghai last spring at the invitation of the United States, have been laid before the Government. The report shows that China is making remarkable progress and admirable efforts toward the eradication of the opium evil and that the Governments concerned have not allowed their commercial interests to interfere with a helpful cooperation in this reform. Collateral investigations of the opium question in this country lead me to recommend that the manufacture, sale, and use of opium and its derivatives in the United States should be, so far as possible, more rigorously controlled by legislation.

Since making that recommendation, I transmitted to the Congress, on February 21, 1910, a report on the International Opium Commission and on the opium problem as seen within the United States and its possessions, prepared on behalf of the American delegates to the commission, and I gave my approval to the recommendations made in a covering letter from the Secretary of State regarding an appropriation and the necessity for Federal legislation for the control of foreign and interstate traffic in certain menacing drugs, and requested that action should be taken accordingly. (S. Doc. No. 377, 61st Cong., 2d sess.)

The Congress has so far acted on the recommendations as to appropriate $25,000 to enable the Government to continue its efforts to mitigate, if not entirely stamp out, the opium evil through the proposed International Opium Conference, and otherwise to further investigation and procedure.

I now transmit a further report from the Secretary of State giving cogent reasons why the opium exclusion act of February 9, 1909, should be made more effective by amendments that will prohibit any vessel engaged in trade from any foreign port or place to any place within the jurisdiction of the United States, including the Territorial waters thereof, or between places within the jurisdiction of the United States, from carrying opium prepared for smoking, and that would make it unlawful to export or cause to be exported from the United States and from Territories under its control or jurisdiction, or from countries in which the United States exercises extraterritorial rights where such exportation from such countries is made by persons owing permanent allegiance to the United States, any opium or cocaine, or any derivatives or preparations of opium or cocaine, to any country which prohibits or regulates their entry, unless the exporter conforms to the regulations of the regulating country.

The Secretary of State further points out a defect in the opium exclusion act of February 9, 1909, in that smoking opium may be manufactured in the United States from domestically produced opium, and the pressing necessity for remedying that defect by an amendment to the internal-revenue act of October 1, 1890, that would place a prohibitive revenue tax on all such opium manufactured within the jurisdiction of the United States from the domestically produced material; and he further urges the enactment of legislation which will control the importation, manufacture, and distribution in interstate commerce of opium, morphine, cocaine, and other habit-forming drugs.

I concur in the recommendations made by the Secretary of State and commend them to the favorable consideration of the Congress with a view to early legislation on the subject.

WM. H. TAFT.

THE WHITE HOUSE,
Washington, January 11, 1911.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. CAMPBELL, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Charles B. Fessenden, jr., Sixtieth Congress, no adverse report having been made thereon.

By unanimous consent, at the request of Mr. CARLIN, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of A. Jones, Fifty-fifth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. BURKE of South Dakota, indefinitely, on account of sickness.

To Mr. OLCOTT, for one day, on account of important business.

To Mr. PATTERSON, indefinitely, on account of sickness.

ADJOURNMENT.

Mr. MOON of Pennsylvania. Mr. Speaker, I now renew my motion.

The motion of Mr. MOON of Pennsylvania was agreed to.

Accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned until to-morrow, Thursday, January 12, 1911, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury submitting an estimate of appropriation for electric burglar-alarm devices in vaults of public buildings (H. Doc. No. 1277); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War requesting that the appropriation for seacoast defenses, Philippine Islands, be made immediately available (H. Doc. No. 1283); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Columbia River and lower Willamette River, Oreg. (H. Doc. No. 1278); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

4. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for expenses of the International Congress on Industrial Insurance (H. Doc. No. 1279); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Navy submitting an estimate of appropriation for improvement of hydraulics, Mare Island Straits (H. Doc. No. 1280); to the Committee on Naval Affairs and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an amended estimate of appropriation for park on Meridian Hill, District of Columbia (H. Doc. No. 1281); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for Indian police in the District of Alaska (H. Doc. No. 1282); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PARKER, from the Committee on the Judiciary, to which was referred the resolution of the Senate (S. J. Res. 124) reaffirming the boundary line between Texas and the Territory of New Mexico, reported the same without amendment, accompanied by a report (No. 1883), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PRAY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 8916) extending the time for certain homesteaders to establish residence upon their lands, reported the same with amendment, accompanied by a report (No. 1885), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee on the Whole House, as follows:

Mr. FULLER, from the Committee on Invalid Pensions, to which were referred sundry bills of the House, reported in lieu thereof the bill (H. R. 31161) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 1880), which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which were referred sundry bills of the House, reported in lieu thereof the bill (H. R. 31172) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 1884), which said bill and report were referred to the Private Calendar.

Mr. LINDBERGH, from the Committee on Claims, to which was referred the bill of the House (H. R. 24434) for the relief of Nah-me-won-aush-e-quay, reported the same without amendment, accompanied by a report (No. 1881), which said bill and report were referred to the Private Calendar.

He also, from the Committee on Claims, to which was referred the bill of the House (H. R. 24435) for the relief of Kay-zhe-bah-o-say, reported the same without amendment, accompanied by a report (No. 1882), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

The bill (H. R. 31092) granting an increase of pension to Marcellus M. Jones; Committee on Military Affairs discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 10849) granting an increase of pension to Richard I. Holloway; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 30938) granting an increase of pension to James Turner; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 31008) granting an increase of pension to Levi L. Ferrin; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 31051) granting a pension to Robert P. Frazier; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DALZELL: A bill (H. R. 31162) to create in the Department of the Treasury a bureau to be known as the tariff board; to the Committee on Ways and Means.

By Mr. KINKAID of Nebraska: A bill (H. R. 31163) to encourage tree growing in certain territory; to the Committee on Agriculture.

By Mr. FINLEY (by request): A bill (H. R. 31164) to provide for a substitute list of storekeeper-gaugers in the Internal-Revenue Service, and for other purposes; to the Committee on Expenditures in the Treasury Department.

By Mr. MOON of Pennsylvania: A bill (H. R. 31165) to regulate procedure in United States courts in certain cases; to the Committee on the Judiciary.

By Mr. MORSE: A bill (H. R. 31166) to authorize the Secretary of Commerce and Labor to exchange a certain right of way; to the Committee on Interstate and Foreign Commerce.

By Mr. HOBSON: A bill (H. R. 31167) to lower the rates of customs duties on imports into the United States; to the Committee on Ways and Means.

By Mr. BARTHOLDT: A bill (H. R. 31168) providing for the protection of the interests of the United States in lands and waters comprising any part of the Anacostia River, or Eastern Branch, and lands adjacent thereto, and for other purposes; to the Committee on the District of Columbia.

By Mr. MOORE of Texas: A bill (H. R. 31169) to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes;" to the Committee on Public Buildings and Grounds.

By Mr. LOWDEN: A bill (H. R. 31170) for the improvement of the foreign service; to the Committee on Foreign Affairs.

By Mr. BARCHFELD: A bill (H. R. 31171) to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River in the State of Pennsylvania by the Liberty Bridge Co.," approved March 2, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. BENNET of New York: A bill (H. R. 31173) to amend an act entitled "An act to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, etc., under the act of June 13, 1898, and for other purposes," approved June 27, 1902; to the Committee on Ways and Means.

By Mr. DUREY: A bill (H. R. 31174) to provide for a site and public building at Fort Plain, N. Y.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 31175) to provide for a site and public building at Ballston Spa, N. Y.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 31176) to provide for a site and public building at Mechanicsville, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. MONDELL: A resolution (H. Res. 895) providing for the consideration of H. R. 27071; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 31177) granting an increase of pension to Harvey B. Utley; to the Committee on Pensions.

By Mr. ALEXANDER of Missouri: A bill (H. R. 31178) granting an increase of pension to Allen Robertson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31179) granting an increase of pension to Samuel L. D. Hudson; to the Committee on Invalid Pensions.

By Mr. ANDERSON: A bill (H. R. 31180) granting a pension to Alice J. Phillips; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 31181) granting a pension to Masina Goodman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31182) granting a pension to Mary Meltabarger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31183) granting an increase of pension to Thomas Roe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31184) granting an increase of pension to Thomas Washam; to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 31185) for the relief of the heirs of Jacques Clamorgan; to the Committee on Private Land Claims.

Also, a bill (H. R. 31186) directing the Secretary of War to convey the outstanding legal title of the United States to sublots 31, 32, and 33 of original lot 3, square No. 80, in the city of Washington, D. C.; to the Committee on the District of Columbia.

By Mr. BURLEIGH: A bill (H. R. 31187) granting a pension to Florence S. Tinney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31188) granting an increase of pension to Edward F. Spear; to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 31189) to carry into effect findings of the Court of Claims in the case of the Methodist Episcopal Church of Corinth, Miss.; to the Committee on War Claims.

By Mr. CANTRILL: A bill (H. R. 31190) granting an increase of pension to William Dollen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31191) granting an increase of pension to Lucy A. Kephart; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 31192) granting an increase of pension to Dennis Murphy; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 31193) granting an increase of pension to Mary E. Young (now Cruthers); to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 31194) granting a pension to Julius S. Veile; to the Committee on Pensions.

Also, a bill (H. R. 31195) granting an increase of pension to Prentice E. Call; to the Committee on Invalid Pensions.

By Mr. DENBY: A bill (H. R. 31196) granting an increase of pension to Patrick Culhan; to the Committee on Invalid Pensions.

By Mr. DUREY: A bill (H. R. 31197) granting an increase of pension to Edward Dugan; to the Committee on Pensions.

By Mr. FOELKER: A bill (H. R. 31198) granting an increase of pension to William R. Thetford; to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 31199) granting an increase of pension to Erastus W. Sherwood; to the Committee on Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 31200) granting an increase of pension to Charles H. Rogers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31201) granting an increase of pension to Julius R. Elder; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 31202) granting an increase of pension to Eliakiam Byard; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 31203) for the relief of Wells & Sharvey; to the Committee on Claims.

By Mr. HILL: A bill (H. R. 31204) granting an increase of pension to Francis Allen; to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 31205) granting an increase of pension to John B. O'Neal, alias John Gibson; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 31206) granting an increase of pension to William P. Routt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31207) granting an increase of pension to William H. Vass; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 31208) granting a pension to Helena Dollenmeyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31209) granting an increase of pension to Mary E. Murry; to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 31210) granting an increase of pension to George E. Orrok; to the Committee on Invalid Pensions.

By Mr. McCREDIE: A bill (H. R. 31211) granting an increase of pension to Andrew J. Culbertson; to the Committee on Pensions.

Also, a bill (H. R. 31212) granting an increase of pension to Andrew J. Laws; to the Committee on Pensions.

Also, a bill (H. R. 31213) granting an increase of pension to Thomas Bracken; to the Committee on Pensions.

Also, a bill (H. R. 31214) granting an increase of pension to Jesse B. Haptonstall; to the Committee on Pensions.

Also, a bill (H. R. 31215) granting an increase of pension to Marshall Clark; to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 31216) granting an increase of pension to Esther M. Schenick; to the Committee on Invalid Pensions.

By Mr. MASSEY: A bill (H. R. 31217) granting a pension to John J. Proffitt; to the Committee on Pensions.

Also, a bill (H. R. 31218) granting a pension to Jesse Maloy; to the Committee on Pensions.

By Mr. MAYNARD: A bill (H. R. 31219) granting a pension to John B. Griswold; to the Committee on Invalid Pensions.

By Mr. MORGAN of Missouri: A bill (H. R. 31220) to correct the military record of George N. Wheeler; to the Committee on Military Affairs.

Also, a bill (H. R. 31221) granting an increase of pension to John H. Jones; to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 31222) granting an increase of pension to Samuel C. Enochs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31223) granting an increase of pension to Thomas L. Story; to the Committee on Invalid Pensions.

Also, a bill (H. R. 31224) granting an increase of pension to Samuel S. Van Wye; to the Committee on Invalid Pensions.

By Mr. MORSE: A bill (H. R. 31225) granting a pension to Eugene J. Pierrelee; to the Committee on Pensions.

Also, a bill (H. R. 31226) granting an increase of pension to Joseph Gotchey; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 31227) granting an increase of pension to Martin Bookstore; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 31228) granting an increase of pension to William B. Gordon; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 31229) granting an increase of pension to Olive B. Kilburn; to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 31230) granting an increase of pension to Lorenzo W. Hindman; to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 31231) to correct the military record of H. S. Hathaway; to the Committee on Military Affairs.

By Mr. SHERLEY: A bill (H. R. 31232) granting an increase of pension to John A. Basham; to the Committee on Invalid Pensions.

Also, a *bill* (H. R. 31233) granting an increase of pension to Margaret O. Mundy; to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 31234) granting a pension to Sabina O. Davis; to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 31235) granting an increase of pension to Frederick Yahnke; to the Committee on Invalid Pensions.

By Mr. YOUNG of Michigan: A bill (H. R. 31236) granting an increase of pension to Thomas Gaynor; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of executive committee of the Territorial Central Committee of the Republican Party, protesting against legislation to change the result called for by plebiscite of the people of Hawaii on the question of prohibiting the liquor traffic; to the Committee on the Territories.

By Mr. ALEXANDER of Missouri: Petition of Commercial Club of Fort Wayne, Ind., favoring bill H. R. 14662, relating to court of patent appeals; to the Committee on Patents.

By Mr. ANDERSON: Petition of New York customs employees, favoring H. J. Res. No. 258; to the Committee on Appropriations.

Also, petition of Soldiers and Sailors' Association of Elkhart, Ind., relative to adequate pensions, reward, etc., of the soldiers of the Civil War; to the Committee on Invalid Pensions.

Also, petition of Robinson Post, No. 135, Grand Army of the Republic, for amendment of the age pension act; to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of James Carper, Laura Curry, John Charleston, and Alex M. Clark; to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Ernst Boger; to the Committee on Pensions.

By Mr. ANSBERRY: Petition of citizens of fifth Ohio congressional district, protesting against the establishment of a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of J. R. Speck et al., merchants of Clark, Ohio, against rural parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Thomas Nolan, national legislative representative of Brotherhood of Locomotive Engineers, favoring bill S. 6702, Federal inspection of boilers; to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Frank S. McKee, previously referred to Committee on Invalid Pensions; to the Committee on Pensions.

By Mr. BARTHOLDT: Papers to accompany a bill relative to sublots 31, 32, and 33, in the District of Columbia; to the Committee on Public Buildings and Grounds.

By Mr. BENNET of New York: Petition of New York Board of Trade, for fortifying the Panama Canal; to the Committee on Railways and Canals.

By Mr. CANDLER: Paper to accompany bill for relief of Methodist Episcopal Church; to the Committee on War Claims.

By Mr. CARY: Petition of Wisconsin Retail Grocers and General Merchants' Association, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. COLE: Paper to accompany bill for relief of William Loar, previously referred to the Committee on Invalid Pensions; to the Committee on Military Affairs.

By Mr. BUTLER: Petition of Goshen Grange, No. 121, West Chester, Pa., for amendment of the oleomargarine law; to the Committee on Agriculture.

By Mr. DAWSON: Petition of Joseph Peters and other citizens of Preston, Iowa, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. ELLIS: Petition of E. H. Smith and 47 others, of Princeville, Ill., and F. S. Jewett and 27 others, of Hammond, Oreg., against the proposed rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Petition of citizens of Wisconsin, favoring the oleomargarine law; to the Committee on Agriculture.

Also, petition of farmers' institute held at Whitehall, Wis., favoring the oleomargarine law; to the Committee on Agriculture.

By Mr. FULLER: Petition of H. E. Wells, national legislative representative of the Brotherhood of Locomotive Engineers, favoring Federal inspection of locomotive boilers; to the Committee on Interstate and Foreign Commerce.

Also, petition of The Vaughn Paint Co., of Cleveland, Ohio, against the paint bill (S. 1130); to the Committee on Interstate and Foreign Commerce.

Also, petition of Barber Colman Co., of Rockford, Ill., favoring bill (H. R. 14622) to create a court of patent appeals; to the Committee on Patents.

Also, paper to accompany bill for relief of T. W. Critchet; to the Committee on Invalid Pensions.

Also, petition of William C. Lutz and others, of Yorkville, Ill., against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. GARDNER of New Jersey: Petition of granges of the Patrons of Husbandry of the second congressional district of New Jersey, favoring Senate bill 5842, amending the present oleomargarine law; to the Committee on Agriculture.

Also, petition of masters and shipowners of the second congressional district of New Jersey, favoring bill (S. 5677) for retirement and relief of the members of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. GILLETT: Petition of many members of the civil service, favoring a retirement law; to the Committee on Reform in the Civil Service.

Also, petition of Congregational Church of North Hadley, favoring H. R. 25825; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Athol, Mass, against bill S. 404, Sabbath-observance law; to the Committee on the District of Columbia.

By Mr. GRAHAM: Petition of National Woman's Christian Temperance Union, for an appropriation to reimburse the contributors to the relief of Ellen M. Stone; to the Committee on Appropriations.

Also, petition of Franklin Blackstone, of Pittsburg, Pa., favoring Federal pay for the militia; to the Committee on Militia.

By Mr. GRIEST: Petition of executive committee of Friends' Temperance Association, of Philadelphia, for the Burkett-Sims bill and the Miller-Curtis interstate commerce liquor bill, and the Walter Smith antiprize-fight picture bill; to the Committee on Interstate and Foreign Commerce.

By Mr. GUERNSEY: Petition of citizens of Jonesport, Me., and vicinity, favoring Senate bill 5677, a bill to promote efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. HANNA: Petition of the Walla Walla Trades and Labor Council, of Washington, relative to distribution of Fort Walla Walla tract of land; to the Committee on the Public Lands.

Also, petition of citizens of North Dakota, against the parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of John A. Spellman Post, Grand Army of the Republic, of Ellendale, N. Dak., favoring H. R. 29346; to the Committee on Invalid Pensions.

Also, petition of citizens of North Dakota, favoring H. R. 26791, the Hanna bill; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Gilby, N. Dak., favoring S. 404, Sabbath-observance bill for the District of Columbia; to the Committee on the District of Columbia.

Br. Mr. HAMMOND: Petition of citizens of the second congressional district of Minnesota, against a local parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. HAYES: Petition of the Robinson Hardware Co., G. G. Martin, J. F. Rucker, F. F. McQuilkin, George A. Martin, and P. H. Tremaine, of Gilroy, Cal., protesting against the enactment by Congress of any legislation for the establishment of a local rural parcels-post service on the rural delivery routes; to the Committee on the Post Office and Post Roads.

By Mr. HOWELL of Utah: Petition of postmasters' convention at Ogden, Utah, favoring extension of the classified post-office service; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Utah, against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. JAMES: Petition of citizens of the first congressional district of Kentucky, against rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. KEIFER: Petition of Schleger & Barren, of Circleville, and Jess W. Smith and seven others, of Washington, Ohio, against a local rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. KOPP: Petition of citizens of the third Wisconsin congressional district, against the local rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. LEE: Paper to accompany bill for relief of John W. Chastain; to the Committee on Invalid Pensions.

By Mr. LINDBERGH: Petition of Iron Molders' Union No. 226, of Brainerd, Minn., for repeal of the tax on oleomargarine; to the Committee on Agriculture.

Also, petition of McKinley & Co., of Park Rapids, Minn., against the proposed rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. McCREDIE: Petition of Tacoma Chamber of Commerce, for continuance of investigations by the Government of by-products obtained from distillation of waste wood; to the Committee on Appropriations.

By Mr. McKINNEY: Petition of E. E. Voorhees, of Blandinsville, Ill., against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. McMORRAN: Petition of Ellison & Stall, of Kinde, and Charles I. Falk, of Deckerville, Mich., against extension of parcels-post service; to the Committee on the Post Office and Post Roads.

Also, paper to accompany bill for relief of Esther M. Shenick; to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Stella, Nebr., against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. MASSEY: Paper to accompany bill for relief of W. G. McKinzie; to the Committee on Military Affairs.

By Mr. PADGETT: Paper to accompany bill for relief of William B. Gordon; to the Committee on Invalid Pensions.

By Mr. REEDER: Petition of citizens of Kansas, against a rural parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Larrabee Post, No. 164, Grand Army of the Republic, Department of Kansas, for House bill 18899, volunteer officers' retired list; to the Committee on Military Affairs.

By Mr. HENRY of Texas: Petition against rural parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. SHARP: Petition of citizens of the fourteenth congressional district of Ohio, for rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. SHEFFIELD: Petitions of Thomas B. Connolly and 15 others, and William J. Filton and 11 others, of Newport, R. I.; Capt. W. M. Ball and 17 others, and G. S. Dunn, jr., and 8 others, of Block Island, R. I.; W. E. Hasen and 8 others, Capt. W. P. Bindlop and 30 others, and George H. Cottrell and 13 others, favoring Senate bill 5677, to increase efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. SIMMONS: Petition of 11 residents of Youngstown, N. Y., favoring bill to increase efficiency of the Life-Saving Service (S. 5677); to the Committee on Interstate and Foreign Commerce.

Also, petition of 23 residents of Orleans, Niagara, and Monroe Counties, against Senate bill 404, on Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SLAYDEN: Petition of citizens of the fourteenth Texas congressional district, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. SPARKMAN: Petition of Board of Trade of Tampa, Fla., favoring House bill 22075, compensation of judges; to the Committee on the Judiciary.

By Mr. STURGISS: Petition of Rena Post, No. 7, Grand Army of the Republic, of Grafton, W. Va., against volunteer officers' retired list; to the Committee on Military Affairs.

Also, petition of Walter E. Dittmeyer, of Harpers Ferry, W. Va., against parcels-post law; to the Committee on the Post Office and Post Roads.

Also, paper to accompany bill for relief of West Virginia State troops; to the Committee on Invalid Pensions.

By Mr. WEBB: Paper to accompany bill for the relief of Robert H. Massey (previously referred to Committee on Invalid Pensions); to the Committee on Military Affairs.

By Mr. WOOD of New Jersey: Communications of Irving D. Banks, J. A. Lambert, W. W. Anderson, Wilford R. Lawshe, of Trenton, N. J.; H. C. Munger, D. M. Van Vliet, and A. Tepel, of New York City; and C. W. McCutchen, of North Plainfield, N. J., protesting against the passage of H. R. 3075, known as the Tou Velle bill; to the Committee on the Post Office and Post Roads.

SENATE.

THURSDAY, *January 12, 1911.*

The chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, who art the confidence of all flesh, we take refuge in Thee who hast been our dwelling place in all generations. Before the mountains were brought forth, or ever Thou hadst formed the earth and the world, even from everlasting to everlasting, Thou art God. But as for man Thou hast made his days as a handbreadth and all our goodliness is as the flower of the field. And now, O Lord, where is our help but in Thee? Thou knowest our frame, seeing it is Thou who hast made us and not we ourselves. Therefore will we not fear. Though Thou dost cause us to walk through the valley of the shadow of death we will fear no evil. The rod of Thy righteousness and the staff of Thy faithfulness, they comfort us.

Be with us now, our Father, in our sad bereavement. Comfort Thou us as Thou alone canst comfort Thy children, and consecrate to us the experiences through which Thou hast called us to pass.

And now may God, our Father, who hast loved us and hast given us eternal comfort and good hope through grace, comfort our hearts and establish them before Him, now and for evermore. Amen.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

DEATH OF SENATOR CHARLES J. HUGHES, JR.

Mr. GUGGENHEIM. Mr. President, it becomes my painful duty to announce to the Senate the death of my colleague, the Hon. CHARLES J. HUGHES, Jr.

Enfeebled by the arduous duties incident upon the last two sessions of Congress, Senator HUGHES returned to Colorado in the summer confident of regaining his strength and health, and later hoped to benefit by a voyage made on the Pacific. He returned to his home elated in spirit, apparently improved in health, and looked forward with pleasant anticipation to resuming his place in the Senate this winter. The improvement was transitory only, however, and after a manful fight he passed away at his home in Denver yesterday morning.

At some future time I shall ask that a day be appointed when the Senate may pay fitting tribute to his memory.

Before offering the following resolutions and asking for their present consideration, I wish to add that the family of the late Senator HUGHES were consulted yesterday by wire in reference to having a committee from the Senate go to Denver to attend the funeral ceremonies. They replied that the funeral will take place to-morrow afternoon, and the time is so short that they would not ask that a committee be sent to Denver.

The VICE PRESIDENT. The Senator from Colorado offers the following resolutions, which will be read.

The Secretary read the resolutions (S. Res. 318), and they were considered by unanimous consent and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. CHARLES J. HUGHES, Jr., late a Senator from the State of Colorado.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. GUGGENHEIM. Mr. President, as a further mark of respect to the memory of the deceased, I move that the Senate adjourn.

The motion was agreed to; and (at 12 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 13, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 12, 1911.*

The House met at 12 o'clock m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, source of all good, we thank Thee from the deeps of our hearts for those sterling godlike qualities which Thou hast implanted in the constitution of man, which lifts him above the brute creation and makes him a child of the living God. Grant, O most merciful Father, that we may grow and cultivate these virtues in the common duties of daily life, so that when great crises come we shall be able to quit ourselves like men and, like the stars of the firmament, reflect Thy glory in all our acts.